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Thesis

THE INTER-AMERICAN SYSTEM: ITS REORGANIZATION AND INTEGRATION INTO THE UNITED NATIONS

by

Elliot A. Marcus
(A.B., College of the City of New York, 1944)
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Approved
by

First Reader Edward R. Collier
Professor of Government

Second Reader George D. Howard
Assistant Professor of Anthropology

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CHAPTER I

THE PRESENT INTER-AMERICAN SYSTEM

Introduction

The end of World War II confronts the twenty-one American Republics with a challenge. Peace and the establishment of world order will bring to the Western Hemisphere new situations, conditions and problems. This was recognized by the American Governments which met at Mexico City, February 21 - March 8, 1945. The Mexico City Conference on Problems of War and Peace faced the necessity of redefining the relationship which the American Republics have evolved since 1826, and which during the past fifty-seven years has come to be known as the Inter-American System. One of the main purposes of the Conference was to strengthen the structural organization of the System and consider its relationship with the world Organization outlined in the Dumbarton Oaks Proposals. Included on the agenda of the Conference was the topic of reorganization of the Inter-American System. This paper is concerned specifically with this problem. There are two aspects to the problem of reorganization; the reorganization of the inter-American system as such, and its integration into the United Nations. The former is concerned with the technical and structural problems

of organization from a purely inter-American aspect. The latter aspect is concerned with the coordination of the system with the universal international organization.

Chapter I deals with the present inter-American system and is intended to serve as a background permitting a clearer understanding of the problem. The need for reorganization is treated in Chapter II from a purely inter-American aspect, with special attention devoted to the achievements made by the Mexico City Conference in this regard, and future plans for the improvement and strengthening of the System. The question then arises as to how this postwar Pan American organization can be fitted into the world organization. This raises the vital issue of regionalism versus universalism; peace and security. Consequently, it is necessary, in Chapter III, to examine the development and nature of Pan American solidarity before considering, in the final chapter, the position of Pan America *vis-a-vis* the United Nations.

The purpose of this chapter is to outline briefly the present system: it's nature, basic principles and machinery. Much of the material presented here is based on a report of the Governing Board of the Pan American Union.[1]

Nature of the System

The Convention on the Pan American Union signed at Habana

1. Executive Committee on Postwar Problems of the Governing Board, "The Basic Principles of the Inter-American System", Washington 1943.

in 1928, declared that,

> "the union of the American Republics is a moral union, which rests on the juridical equality of the Republics of the continent and on the mutual respects of the rights inherent in their complete independence; and its aim is to promote efficaciously the increasing conciliation of their economic interests and cooperation of their social and intellectual activities."[2]

This is a clear-cut definition of the nature and purposes of the Inter-American System, with the emphasis on "moral union" and "cooperation" in non-political matters. The system is not represented by a single organization, nor are its rules or principles embodied in any one instrument. It is rather the cumulative effect of a long evolutionary process. The basic rules, principles and modes of action are set forth in numerous treaties, conventions, agreements, and resolutions adopted by the American governments at general and special Inter-American conferences. To give effect to these principles a variety of agencies have been created in response to specific need; some permanent, others of an ad hoc nature. The all-pervading sentiment behind the system which to a great extent accounts for its effectiveness is cooperation and peaceful collaboration. This spirit which is conducive to mutual understanding and pacific adjustment of international controversy depends on a high sense of morality and international responsibility. Perhaps this seemingly intangible factor may be understood more clearly after examining the principles upon which it is based.

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2. Convention on the P.A.U., Sixth International Conference of American States, 1928.

Basic Principles

The fundamental principles governing inter-American relations can be divided into three broad categorical fields:

1- Inter-American juridical relations.
2- Relations with non-American states.
3- Economic, social and cultural relations.

There are several outstanding features in the field of inter-American juridical relations which merit consideration. Foremost among these is the principle of the equality of states. All states are juridically equal, enjoy the same rights and have equal capacity in their exercise. There is respect for the complete personality, sovereignty and independence of each state.[3] The rights of each state do not depend upon its power to assure their exercise, but upon the simple fact of its existence as a person under international law.

Another principle is respect for the faithful observance of treaty obligations which is a requisite for the pacific development of relations between states. These relations should be governed by the precepts of international law and treaty revision can be accomplished only by agreement of the contracting parties.[4] The use of force for the solution of controversies has been rejected. In addition, such methods as the violation of treaties or their unilateral abrogation have been

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3. Declaration of Lima, Eighth Internation Conference of American States, 1938. Declaration of Principles of Inter-American Solidarity and Cooperation, Inter-American Conference for the Maintenance of Peace, 1936
4. Declaration of American Principles, Eighth International Conference of American States, 1938.

condemned.[5]

Non-Intervention has been a controversial issue in the juridical relations of the American Republics. This principle, associated with the famous Argentine statesman, Luis Drago, and upheld by most of the Latin American Republics, did not become a fundamental feature accepted by all the American states until the advent of the Good Neighbor policy. The Convention on the Rights and Duties of States, Seventh International Conference, 1933, declares that no state has the right to intervene in the internal or external affairs of another. Intervention, direct or indirect, has been repeatedly condemned, and each state is sovereign within its borders concerning its own affairs and its actions are not subject to interference or influence by any other state.[6] A highly interesting aspect of this problem has been put forth in recent years by the Foreign Minister of Uruguay, the Larreta Doctrine. The Doctrine advocates joint intervention by the American Republics to protect the rights and liberties of individuals against authoritarian dictatorship. Although most of the Republics are in accord with the aim expressed in the Doctrine, it is felt that the acceptance of intervention, regardless of the form, would create a dangerous precedent and nullify all the gains made in this direction.

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5. Resolution on Maintenance of International in Accordance with Christian Morality, First Meeting of Ministers of Foreign Affairs of the American Republics, 1939.
6. Protocol relative to Non-Intervention, Inter-American Conference for the Maintenance of Peace, 1936.

The American Republics have been concerned with the proscription of aggression and the forcible acquisition of territory since the First International Conference in 1890. A Plan of Arbitration adopted at that Conference considered war as the most cruel, fruitless and dangerous expedient for the settlement of international disputes. Force cannot constitute the basis of rights, and the American Republics condemn all violence whether by conquest or in the form of stipulations that have been imposed by belligerents in treaty clauses, or by any other process.[7] The Recommendation on the Right of Conquest, also adopted at the First International Conference, declared that the principle of conquest shall not be recognized as admissible under American public law, and that all cessions of territory shall be void if made under threats of war or in the presence of an armed force. The territory of a state is inviolable and may not be the object of military occupation or of other measures of force imposed even temporarily by another state, directly or indirectly, regardless of motive.[8] The Resolution on Aggression, adopted at the Sixth International Conference condemned and proscribed war or the use of force as an instrument of national policy in the mutual relations between nations, and declared a war of aggression an international crime.

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7. Preamble to the Habana Convention on the Provisional Administration of European Colonies and Possessions, Second Meeting of Ministers of Foreign Affairs, 1940.
8. Convention on the Rights and Duties of States, Seventh International Conference of American States, 1933.

The Declaration on Non-Recognition of the Acquisition of Territory by Force, Eighth International Conference, 1938, included within the scope of "force": force of arms, threatening diplomatic representations or any other effective coercive measure. The Declaration reaffirmed a principle accepted by the American Republics in statements and resolutions as far back as the Congress of Panama in 1826.[9]

The pacific settlement of international dispute is another fundamental principle of inter-American juridical relations and has been restated at several International Conferences of American States.[10] The Resolution on Aggression, adopted at the Sixth International Conference in 1928, declared that all international controversies, however serious their nature, can be peacefully arranged if the parties involved really desire to arrive at a pacific settlement. Since war or the use of force in inter-American relations has been proscribed, it follows that any dispute or difference, whatever its nature or origin, must be settled by pacific means: conciliation, arbitration or any other means of pacific settlement. An elaborate and somewhat complicated machinery has been created for the pacific settlement of inter-American disputes. This machinery which is embodied in a series of treaties, conventions and protocols,

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9. Executive Committee on Postwar Problems..., op.cit., p.5
10. Declaration of American Principles, Eighth International Conference of American States, 1938
Resolution on Arbitration and Conciliation, Sixth International Conference of American States, 1928
Anti-War Treaty of Non-Aggression and Conciliation, 1933

will be discussed in detail in Chapter II; the section on political problems.

The creation of an inter-American court is closely linked with the problem of peace in America and several projects have been submitted at conferences dealing with this question. The inspiration for the establishment of such an institution can be traced back to Bolivar and the Congress of Panama, 1826. This proposal for an American Court can be treated more appropriately in a later chapter, in conjunction with the proposed American League of Nations. (Chapter III)

At this point, mention must be made of certain elements which, strictly speaking, are not legal principles. The use of material sanctions for the enforcement of the foregoing principles cannot be considered a traditional feature in the juridical relations of the Republics. The treaties, conventions and other instruments adopted for the preservation of peace and the pacific settlement of dispute did not contemplate the application of sanctions of the imposition of punitive methods. Sanctions had previously been stipulated twice but only in a general or limited way. Article III of the Anti-War Treaty of Non-Aggression and Conciliation adopted at Rio, 1933, provides that in case of non-compliance by a state with the obligations contained in the treaty, the other contracting states shall make every effort to maintain peace. As neutrals, they will adopt a common and solidary attitude; they will exercise the political, juridical, or economic means authorized by international law; they will bring to bear the

influence of public opinion; but they will in no case resort to intervention, either diplomatic or armed. The Convention to Coordinate, Extend and Assure the Fulfillment of Existing Treaties between the American States signed at Buenos Aires, 1936, repeated the substance of the foregoing Article. The Meetings of Foreign Ministers (1939-42) stressed the procedure of consultation for the maintenance of peace and security in the Americas. However, sanctions became a principal feature of American juridical relations when the twenty Republics--Argentina was not invited but adhered retroactively--drew up the historic Act of Chapultepec at Mexico City in 1945. The Act provided for specific measures including the use of armed force to prevent or repel aggression during the war but recommended in Part II the conclusion of a treaty by the signatory Governments containing the same specific measures. This marks a radical departure from the long prevailing avoidance of sanctions in inter-American relations and adds a realistic strength to Pan American solidarity.

A sense of <u>continental responsibility</u> for the maintenance of peace has been an alternative to sanctions in facilitating the pacific settlement of controversy. Under this principle any question that arises and effects two or more states, immediately becomes the concern of every other member of the American Community. This is an intangible and indefinable element but no less effective than the formal agreements that have been entered into. Often it is even more effective, for by its very generality it encompasses questions for which a

means of peaceful solution is not available, either because they are not covered by existing agreements, or because the states involved in the dispute are not parties to an agreement affording a means of settlement.

The procedure of consultation is another alternative to sanctions and provides a formal procedure to make effective the continental responsibility for the maintenance of peace. Every act susceptible of disturbing the peace of America, affects each and every one of the Republics.[11] In the event of war, or a virtual state of war between American States, the Governments of the American Republics shall undertake without delay the necessary mutual consultations, in order to exchange views and to seek a method of peaceful collaboration; in the event of an international war outside of America, which might menace the peace of the continent, such consultation shall also take place to determine the proper time and manner in which the states may cooperate in some action tending to preserve the peace of the American continent. This is the substance of what is popularly known as the Consultative Pact.[12] The Declaration of Lima, adopted at the Eighth International Conference of American States, 1938, further elaborates the procedure of consultation by stating that in case acts of any

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11. Declaration of Principles of Inter-American Solidarity and Cooperation, Inter-American Conference for the Maintenance of Peace, 1936
12. Convention for the Maintenance, Preservation, and Re-establishment of Peace, Inter-American Conference for the Maintenance of Peace, 1936

nature whatsoever threaten the peace, security or territorial integrity of any one of them they will make their solidarity effective by the procedure of consultation undertaken by the Ministers of Foreign Affairs of the American Republics, or by special representatives appointed by them.

The foregoing principles governing juridical relations have been formulated in order to secure peace and solidarity between the American Republics. We must now consider those principles which govern relations with non-American states.[13] The American Republics have traditionally felt that they have a set of problems peculiar to themselves, and that these can best be solved by cooperative action among the several states. However, the interdependence of the world as a whole is recognized, and the inevitable necessity of every state and region maintaining close contact with and being influenced by developments in every other state or region.

The Resolution on Relations of Pan America and other International Organizations, Eighth International Conference of American States, 1938, states the relationship between the inter-American system and the world organization; the League of Nations. The Resolution declares that cooperation with other international organizations is of value not only to the inter-American system, but also to the international organization with which such cooperative relations may be established. The American Republics have gone on record as favoring such

13. Executive Committee..., op.cit., pp 11-15

cooperation and have authorized the P.A.U. as well as other Pan American agencies to cooperate with international bodies in other parts of the world, within the limits imposed by their organic statutes and without affecting the integrity of the international organization of the twenty-one American Republics. In addition, the Resolution suggested that the Pan American organizations make available to other international bodies the information they have at their disposal; exchange points of view; and, as much as possible, coordinate their research in the fields of economic, social, cultural and juridical activity. Stated simply, the Resolution recommended close cooperation between the League and the inter-American system in non-political fields only. The "juridical activity" mentioned above obviously refers only to such matters as the codification of law. The position of Pan America with regard to the world organization goes to the very heart of the problem of regionalism and universalism. This vital question will be discussed in Chapter IV.

The principle of continental solidarity in non-continental problems was stated in the Declaration of Principles of Inter-American Solidarity and Cooperation; adopted at the Inter-American Conference for the Maintenance of Peace held in Buenos Aires, 1936. The Declaration of Lima, Eighth Conference, 1938, stated that in case the peace, security or territorial integrity of any one of them is threatened by acts of any nature arising outside the Continent, the American Republics will consult together for the purpose of coordinating their respective

wills and determining upon the measures which in each case the circumstances may make advisable.

One of the most important achievements of the Habana Meeting of Foreign Ministers, 1940, was the Declaration of Reciprocal Assistance and Cooperation for the Defense of the Nations of America. This Declaration enunciated the rule of non-continental aggression against the American continent. Any attempt on the part of a non-American state against the territory or inviolability of the territory, the sovereignty or the political independence of an American state shall be considered as an act of aggression against all the states of America. In addition, the above mentioned Habana Declaration provided that all the American nations, or two or more of them, according to circumstances, shall proceed to negotiate the complementary agreements necessary for their common defense and mutual assistance in the event of such aggression. As will be noted in a subsequent chapter, this Declaration opened the door for Canadian participation in regional arrangements for Hemisphere defense.

The position taken by the American Republics in regard to the transfer of American territorial possessions owned by non-continental powers merits our consideration. The Panama Meeting of Ministers, 1939, adopted a resolution stating that in case any geographic region of America subject to the jurisdiction of a non-American state should be obliged to change its sovereignty and thereby endanger the security of the American continent, the Governments of the American Republics will consult together to

determine upon the measures to be taken.[14] This danger became very real with the fall of France in the early summer of 1940. The Second Meeting of Ministers of Foreign Affairs was called to deal specifically with this urgent problem. The Convention on the Provisional Administration of European Colonies and Possessions in the Americas was the outstanding result of the Habana Meeting. The Convention declared that the American Republics regard any transfer, or attempted transfer, of the sovereignty, possession or control over any such region to another non-American state, under the form of conquest, stipulations imposed in treaties, or by any other process, as against American sentiments and principles and their rights to maintain their security and political independence. If an attempted transfer of territory is made by a non-American state, such territory shall automatically be submitted to a provisional administrative regime to be established and supervised by an Inter-American Commission for Territorial Administration on which each one of the Governments of the American Republics may be represented. The primary factor to be considered in the administration of these regions is the security of the Americas.

Two resolutions of the Rio Meeting of Foreign Ministers, 1942, dealt with the status of non-belligerency and the representation of interest of non-American states. The Resolution on Treatment of non-Belligerents declared that any

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14. Resolution on Transfer of Sovereignty of Geographic Regions of the Americas held by non-American States, First Meeting of Ministers of Foreign Affairs, 1939.

American State involved in a war with a non-American state will not be considered a belligerent. Also, special facilities will be granted to countries that contribute to the defense of the Hemisphere during the war. The other resolution recommended that no American state authorize another American state to represent before its government the interests of a non-American state with which it has no diplomatic relations, or which is at war with nations of this Hemisphere.

The status of aliens is discussed here although this question applies to inter-American relations as well. Article 9 of the Convention on Rights and Duties of states adopted at Montevideo in 1933, provides that "nationals and foreigners are under the same protection of the law and the national authorities and the foreigners may not claim rights other or more extensive than those of the nationals." In effect this was acceptance of the Calvo Doctrine, long advocated by the Latin American countries, which declared that the maximum protection under the law that a foreigner may expect is that of civil equality with nationals. The Calvo Doctrine is in direct contradiction with the universally accepted "minimum standard" rule and its validity in international law is highly doubtful.

The Convention on the Status of Aliens adopted at the Sixth Conference, 1928, denied to foreigners the right to intervene in political activities which are the exclusive province of citizens of the country. The Resolution on Political Activities of Foreigners adopted at the Lima Conference, stated that interference by a foreign government with the

internal affairs of an American country in order to regulate the status or activities of its nationals, is considered incompatible with the sovereignty of that country. Likewise, foreign diplomatic officers may not participate in the domestic or foreign politics of the state to which they are accredited and they must perform their duties without coming into conflict with its laws.[15] The Resolution on Activities directed from Abroad against Domestic Institutions drawn up at the Second Meeting of Foreign Ministers at Habana, 1940, attempted to suppress subversive activities directed by foreign governments or individuals against the existing American forms of government.

Foreign minorities are not given a special status in the Americas but enjoy the rights to which they are entitled as individuals.[16]

Basic principles have been formulated in regard to inter-American economic, social and cultural relations. The modern Pan American movement originated in the attempt to promote closer commercial ties between the Republics. However, no progressive economic policy worked out until the Seventh International Conference at Montevideo, 1933, when the selfish practice of autarchical protectionism, manifest in a world economic depression, revealed the crying need for enlightened

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15. Convention on Diplomatic Officers, Sixth International Conference, 1928.
16. Resolution on Foreign Minorities, Eighth International Conference, 1938.

reform. The Resolutions on Equality of Treatment in International Trade, Economic, Commercial and Tariff Policy, and Import Quotas were inspired by the dynamic leadership of Cordell Hull, who introduced the most-favored-nation clause in trade agreements, and advocated the reduction of tariffs and other trade barriers to facilitate the freer flow of goods, services and capital between nations. The system of export and import quotas was considered in conflict with the fundamental principle of equal treatment among nations and contrary to the real spirit of the most-favored-nation clause. The Resolution on Restrictions on International Trade of the 1936 Buenos Aires Conference urged the elimination of all discriminatory practices in order that the development of international trade might contribute to the progress and well-being of nations. It was recognized that closer commercial relationships not only help to draw peoples together but also create bonds of greater solidarity between the countries that maintain them. The Declaration of American Principles adopted at Lima, 1938, indicated the direct relationship between economic policies and peace and security, by recognizing that sound economies contribute to national and international well-being and to peace among nations. This relationship was reaffirmed in the Resolution on Post-War Problems of the Third Meeting of Ministers, 1942, which stated that collective security should consider the economic principles that will ensure equitable opportunities for all in international trade. This security should be founded not only on political institutions, but on

just, effective and liberal economic systems.

Numerous special conferences and agencies deal with the more specific problems in inter-American social and cultural relations. However, certain fundamental features have been established at the Consultative Meetings and the general Conferences. The Resolution on Post-War Problems[17] urged the American Republics to increase their productive capacity so that returns from international trade will permit the adequate remuneration of labor and the improvement of living standards of workers. In this way increased production will protect and preserve the health of their peoples and develop their civilization and culture. The Declaration of American Principles[18] stated that the development of intellectual interchange among the peoples of the Republics is conducive to an understanding by each of the problems of the other as well as of problems common to all, and facilitates the peaceful adjustment of controversies. It was also felt that the purposes of the Pan American movement would be advanced by greater mutual knowledge and understanding of the people and institutions of the respective countries and a more consistent educational solidarity on the Continent. This can be accomplished by an exchange of professors, teachers and students as well as the encouragement of closer relations between unofficial organiza-

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17. Supra, p. 17
18. Ibid.

tions which exert an influence on public opinion.[19]

Machinery

The Inter-American System operates through a medium of conferences and a number of permanent agencies; each of these instrumentalities theoretically supplementing the other. The conferences permit an exchnage of views and the conclusion of agreements on problems of common interest to the American Republics. The permanent agencies give continuity to the Pan American movement and are the means by which the conclusions reached and the principles established at conferences can be turned into practical application. The organs through which the System functions are based on the 1928 Convention on the Pan American Union adopted at the Sixth International Conference at Habana and are as follows:

a) The Inter-American Assemblies
b) The Pan American Union
c) The specialized inter-American organizations--every organ that may be established by virtue of inter-American conventions.

It is not our purpose here to present a complete and detailed account of the above mentioned organs but merely to indicate their role in the functioning of the Pan American system.[20]

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19. Convention for the Promotion of Inter-American Cultural Relations, Inter-American Conference for the Maintenance of Peace, 1936.
20. For detailed information on the above organs see, International Conferences of American States, First Supplement, 1933-1940, Washington 1940 pp 558, also, L.S. Rowe and and his Annual Reports of the P.A.U. and R. Masters and others, Handbook of International Organizations in the Americas, Washington 1945, pp 453

There are three types of inter-American assemblies or conferences. The most important are the International Conferences of American States which are diplomatic gatherings and are the policy forming medium of the modern Pan American movement which originated in the First International Conference of American States in Washington, 1889-90. According to the 1928 Convention, mentioned above, these Conferences are to meet at periodic intervals, the date determined by the Governing Board of the Pan American Union. In no case shall a longer period than five years elapse between Conferences, except in case of force majeure. There were no regular Conferences between 1910 and 1923 because of the war. The International Conferences of American States are the parent body in the conference system, at which the Governments of the American Republics adopt basic principles and agree upon the direction the Pan American movement is expected to take in the ensuing period. These Conferences are the substance of the Union of American States which, until 1910, had been called the International Union of American Republics and which is a purely theoretical body without constitution or officers. The programs of these Conferences are as broad as the Pan American movement itself and include questions on political, economic and social relations between governments, as well as matters dealing with international law and the pacific settlement of disputes, transportation and communications, and cultural cooperation. Eight such Conferences have been held since 1889. The Ninth Conference, postponed twice, is scheduled for Bogotá, December, 1947.

The Inter-American Conference for the Maintenance of Peace (Buenos Aires 1936) and the Conference on the Problems of War and Peace (Mexico City 1945) are not included in the series but rank in importance with the Conferences.

The second type of Pan American conferences are the Meetings of the Ministers of Foreign Affairs which rank in importance behind the International Conferences. They are of more recent development and grew out of agreements reached at the Conference for the Maintenance of Peace in 1936 and the Eighth International Conference of American States in 1938, which established the procedure of consultation in inter-American relations. In the 1936 Buenos Aires Conference, the Consultative Pact--Convention for the Maintenance, Preservation and Re-establishment of Peace--provided for consultation "in the event that the peace of the American republics is menaced". At Lima in 1938, it was provided that such consultations should be conducted by the Ministers of Foreign Affairs or their personal representatives. Whenever the peace, security or territorial integrity of any American Republic is threatened by acts of any nature, the Governments shall consult together through their respective Ministers of Foreign Affairs in their several capitals by rotation and without protocolary character.[21] This procedure of consultation was intended to afford the Governments of the American Republics a means of exchanging views and taking prompt action on emergency matters,

21. Declaration of Lima, Eighth International Conference, 1938

especially when the peace, security or territorial integrity of any Republic is threatened, whether the threat arises from events occurring inside or outside the Continent. However, the procedure of consultation may also be applied, on the initiative of one or more Governments and with the previous agreement of the others to any economic, cultural or other question important enough to justify this procedure, and in the examination or solution of which the American States may have a common interest.[22] A Resolution on the Procedure of Consultation of the Second Meeting of Ministers at Habana, 1940, stated that a Government which desires to initiate consultation and propose a Meeting of the Ministers of Foreign Affairs must indicate its questions to the Governing Board of the Pan American Union. The Governing Board will set the date and place of meeting, prepare the agenda, and adopt all other measures necessary for the Meeting. There have been three Meetings of Foreign Ministers, all called to deal with the specific and emergency problems growing out of World War II. These took place at Panama in September, 1939, Habana in July, 1940, and Rio in January, 1942. The important achievements of these Meetings will be dealt with more appropriately in Chapter III which deals with continental solidarity.

The broad scope of the general Conferences and the limited time available to consider adequately all the many and

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22. Resolution on Improvement in the Procedure of Consultation, Eighth International Conference, 1938.

diversetopics, necessitated the practice of convening a third type of inter-American conferences; special or technical conferences for specific problems. The number of such conferences has increased greatly since the Fifth International Conference of American States held at Santiago in 1923. The subjects which they consider cover virtually every phase of inter-American activity. Some are called for one purpose and one meeting; others perpetuate themselves and meet at regular and irregular intervals. A complete list of technical Pan American conferences can be found in the International Conferences of American States, First Supplement, 1933-1940(Washington, 1940).

The Pan American Union is the permanent secretariat and administrative agent of the Union of American States. It is the most important of all the inter-American organizations. The Pan American Union is governed by a Board composed of representatives of the American Republics and its affairs are administered by a Director General and an Assistant Director elected by and responsible to the Governing Board. The expenses of the organization are paid by the member states in proportion to their populations. The Pan American Union was established in 1890 as the Commercial Bureau of the American Republics pursuant to a resolution of the First International Conference of American States, Washington, 1889-1890. This Bureau was to act as the agent in Washington of the International Union of American Republics provided for by the above resolution. The Union was to collect and distribute commercial information and the Bureau was to be "charged with the care

of all translations and publications and with all correspondence pertaining to the International Union".[23] The Bureau was responsible for the publication of a bulletin containing the customs tariffs of the member states, official regulations affecting the entrance and clearance of vessels and the importation and exportation of merchandise in their ports, and information on commercial statistics. At the Second International Conference of American States held at Mexico City in 1902, its name was changed from the Commercial Bureau of the American Republics to the International Bureau of the American Republics. The name was changed again in 1910 to the Pan American Union at the Fourth International Conference of American States held at Buenos Aires. The functions of the P.A.U. were enumerated at the Santiago Conference and are as follows:

> "a) To compile and distribute information and reports concerning the commercial, industrial, agricultural, and educational development, as well as the general progress of the American countries.
>
> b) To compile and classify information referring to the conventions and Treaties concluded among the American Republics and between these and other States, as well as to the legislation of the former.
>
> c) To assist in the development of commercial and cultural relations between the American Republics and of their more intimate mutual acquaintance.
>
> d) To act as a Permanent Commission of the International Conferences of the American States; to keep their records and archives; to assist in obtaining ratification of the Treaties and Conventions, as well as compliance with the resolutions adopted; and to prepare the programs and regulations of each Conference.(Similar

23. International Conferences of American States, p. 36.

duties are imposed on the P.A.U. by any conference of plenipotentiaries, such as the 1936 Buenos Aires Conference and the 1945 Mexico City Conference as well as the Meetings of Foreign Ministers.)

e) To submit to the various Governments, at the time of the holding of each Conference, a report upon the work of the institution since the adjournment of the last Conference, and also special reports upon any matters which may have been referred to it.

f) To perform such other functions entrusted to it by the Conference or the Governing Board by virtue of the powers conferred upon it by this resolution."[24]

The P.A.U. also assists in the preparation of official and private, special and technical inter-American conferences. The Resolution on Conferences of a Technical Character adopted at the Eighth International Conference, 1938, states that the Governing Board may promote the meeting of inter-American conferences of experts to study problems of a technical character of common interest to the Republics. An important function specifically denied the P.A.U. and the Governing Board is participation in political activities. This question will be given fuller consideration, along with the changes in the administration of the Governing Board, in Chapter II. As the center of information on all matters pertaining to the Americas, the P.A.U. carries out its extensive work through sixteen administrative divisions and numerous general and special publications including the Pan American Bulletin, published in English, Portuguese and Spanish. Its library, the Columbus Memorial, contains the largest collection of books on Latin America in the world.[25]

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24. Resolution on the Organization of the P.A.U., Fifth International Conference, 1923.
25. Summary of the Annual Report of the Director General... Fiscal Year Ending June 30, 1943.

Specialized inter-American organizations are an important element in the functional make-up of the system. There are more than eighty international agencies in the Americas including thirty permanent agencies through which the official governmental machinery for hemispheric cooperation operates. In addition, there are thirty-nine semi-official and private agencies created by recommendations of general or special inter-American conferences. Finally, there are seventeen official agencies created by joint action of two states to handle particular problems existing between them.[26] For convenience, the broad range of topics dealt with by inter-American agencies can be divided into the following: economic cooperation; transportation and communication; public health and social welfare; cultural relations and all matters of a political nature, i.e. codification of law, political defense and continental security, and peace machinery. Our purpose here is to consider briefly the more important agencies in the above mentioned fields. Detailed information, history, structure and functions, may be found in a recent publication of the Carnegie Endowment for International Peace; Handbook of International Organizations in the Americas, prepared by Ruth D. Masters and other staff members of the Division of International Law, Washington, 1945.

Economic questions have always played a prominent role in

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26. R. Masters, "International Agencies in the Western Hemisphere", American Journal of International Law, October 1945, pp 713-735

inter-American conferences. It has been noted that the Pan American movement originated in the desire to promote closer commercial ties among the American Republics and the agendas of the early modern Pan American Conferences included such related topics as consular regulations, port and customhouse regulations, uniformity of commercial statistics, uniformity of consular documents, and matters concerning tourist travel, communications, patents, passports, trademarks, commercial and maritime law.[27] However, with the exception of the Inter-American High Commission--a wartime agency established in 1915 and now defunct - and the Inter-American Trade Mark Bureau created in 1917, the Pan American Union remained, until the Seventh International Conference held at Montevideo in 1933, the only inter-American agency dealing with economic matters. The Inter-American Trade Mark Bureau is an official agency which functions in Habana under the supervision of the Cuban Government. It serves all American states adhering to one of the trade mark conventions of 1910 and 1923, or the 1929 Protocol on the Inter-American Registration of Trade Marks. These agreements place industrial property rights acquired in any one of the signatory states under the protection of the laws of all the other signatory states. The Bureau handles the registration of marks. Machinery for inter-American commercial arbitration was created by the Inter-American Commercial Arbitration Commission set up in 1934. The

27. M. Ball, The Problem of Inter-American Organization, p. 26

Commission, a private agency with members in all twenty-one Republics, was organized in response to a resolution of the Seventh International Conference. The Commission has drafted standard arbitration rules for use in commercial contracts and its local committees administer arbitration tribunals in their respective countries. The more fundamental problems of commercial policy, relaxation of import and export controls, agricultural cooperation, promotion of new industries, etc., were not discussed until the world economic crisis revealed the inadequacy of autarchical policies and the strong need for cooperative effort. Many of these questions dealt with technical matters and special conferences were held for this purpose.[28] The outbreak of war in 1939 disrupted the economies of many Latin American states. To offset these dislocations, the Inter-American Financial and Economic Advisory Committee was created by the First Meeting of Ministers and was given extensive powers to promote economic cooperation among the American republics. Its functions were enlarged by the Second and Third Meetings of Ministers, the latter charging the Committee, among other things, with the planning of measures for total mobilization of all resources of the American continent for the common war effort. The Committee drew up a Convention on an Inter-American Bank and created two other important official agencies, the Inter-American Development

28. For special conferences prior to 1940, see, International Conferences of American States, First Supplement, pp 381ff

Commission and the Inter-American Coffee Board. The former is to promote "the formation and the financing of enterprises to undertake development of new lines of production in Latin America for which there might be found a new complementary market in the Republics of the Western Hemisphere."[29] The Inter-American Coffee Board was created by the Inter-American Coffee Agreement of November 28, 1940, (U.S. Treaty Series, Number 970) providing for the regulation of coffee exports. All 14 Latin American coffee producing countries have ratified the Agreement and each is allocated definite annual quotas for the U.S. market. The Inter-American Financial and Economic Advisory Committee acted as the center of continental economic planning. This Committee, created as an emergency body, was replaced by a permanent Inter-American Economic and Social Council.[30]

There are certain inter-American agencies which deal with problems of transportation and communication. A Pan American Railway Committee, created by the Second International Conference, has been engaged in the collection and dissemination of information regarding such a project. Little progress has been made in construction since 1923 when about 70% of the railway had been built. Congresses have been held to discuss railway problems of a technical nature. The First Inter-American Technical Aviation Conference meeting at Lima, in

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29. Resolution XIII of the Inter-American Financial and Economic Advisory Committee
30. Infra, Chapter II, Resolution IX of the Mexico City Conference

1937, created a Permanent American Aeronautical Commission charged with the unification and codification of international public and private air law in the Americas. Several agencies are important in connection with the building of the Pan American Highway which is now open to traffic, year round, over three quarters of its entire length. The work done by the Pan American Highway Confederation, founded in 1924, stimulated interest in highways and promoted cooperation between highway engineers of many American states. The Confederation, a semi-official body, is closely connected with the Pan American Highway Finance Commission, an official agency, set up under the Buenos Aires Convention on the Pan American Highway to devise means to speed completion of the Highway. There has been a remarkable degree of unification of inter-American postal relations. The Postal Union of the Americas and Spain is a regional union of the Universal Postal Union and among its features are: freedom from transit charges on mail originating in a member country; domestic rates for correspondence within the Union; generous franking privileges and absolute equality of votes.[31] Canada and Spain, in addition to the American republics, are members of the Union. There has also been a regional arrangement in the field of radio communications. The Inter-American Radio Office, set up in 1939 with its seat in Habana, was created by the Inter-American Radio Communications Convention of Habana

31. Masters, op.cit. p. 722

in 1937, and serves as the consultative and informational agency of the signatory governments.

Problems of health in this hemisphere received consideration as early as the Second International Conference. The Pan American Sanitary Bureau, organized pursuant to a resolution of the Second Conference, was the first joint agency to combat the spread of epidemic diseases and improve public health in general through the cooperation of national health departments. It was called the International Sanitary Bureau until the Fifth International Conference. The duties of this important Bureau include collection and dissemination of information concerning epidemics, preparation of the agenda of the Pan American Sanitary Conferences and of the Conferences of National Directors of Health, services as a central consultative agency to stimulate greater efficiency among national public health authorities, and preparation of special studies and investigations and, upon request of member governments, the rendering of aid in combating epidemics or improving sanitary conditions. The Bureau is independent of the P.A.U. and has its own budget and administration. The Bureau acts as a regional branch of the Health Office in Paris, pursuant to a resolution of the Eighth Pan American Sanitary Conference adopted at Lima in 1927. Among the official inter-American agencies working for the promotion of social welfare the more important are the American International Institute for the Protection of Childhood, set up in Montevideo in 1927, and the Inter-American Indian Institute established by the First Inter-

American Conference on Indian Life at Pátzcuaro, Mexico, in 1940. In matters relating to social security we find another official agency which collaborates closely with a universal organization. This agency is the Inter-American Committee on Social Security which maintains close relations with the International Labor Organization. (Montreal Office) The Committee, created by a statute drawn up at Lima in 1940 acts as the permanent commission of periodical Inter-American Conferences on Social Security and promotes cooperation among the member governments in this field. The Inter-American Commission of Women, an official agency set up by the Sixth International Conference, is charged "with the permanent study of all the problems concerning American women and shall act in an advisory capacity" reporting to the Governing Board of the P.A.U., before each conference, on problems important for consideration.[32] The Commission submitted to the Seventh and Eighth International Conferences data on the status of women in the Americas, and draft treaties on equal rights and nationality of women. Under Resolution IX of the Mexico City Conference the Commission is incorporated within the P.A.U. on a permanent status. Resolution XXVIII of the same Conference recommends the agreement by the American governments upon an annual quota for the support of the Commission.

One of the principal activities of the P.A.U. is the promotion of intellectual interchanges. This has been carried

32. International Conferences of American States p. 252

out through the excellent work of the Division of Intellectual Cooperation.[33] The Pan American Institute of Geography and History, set up in 1930 pursuant to a resolution of the Sixth International Conference, is the official principal inter-American agency dealing in the general field of cultural relations. The countries of the Caribbean area set up a Permanent General Secretariat of the Inter-American Caribbean Union at Habana in 1939, to promote cultural relations among the countries of that area. The United States is a member. The Union itself has not been formally created although a definite statute was proposed at the Third Caribbean Meeting held at Port-au-Prince in 1941. The Pan American Institute of Mining Engineering and Geology is another permanent office, with its seat at Santiago de Chile. In addition to the wide range of topics in the field of intellectual cooperation dealt with by the regular Pan American Conferences, many special conferences have been held including: Pan American Scientific Congresses; Pan American Congress of Journalists; Inter-American Congress of Rectors; Deans, and Educators; Inter-American Conferences on Education; Pan American Congresses of Architects.[34] Mention has been made of the Columbus Memorial Library housed in the P.A.U. but independent of the Division of Intellectual Cooperation.[35]

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33. See, Report of the Division of Intellectual Cooperation of the P.A.U. for 1941
34. See, International Conferences of American States..., pp 381-452
35. Charles E. Babcock, Fifty Years of the Library of the P.A.U., 1890-1940 (Washington, 1940)

Agencies have been created to deal with political matters affecting the American Republics. Codification of international law has been of major interest to the American republics. The Third International Conference created an International Commission of Jurists which met in Rio de Janeiro in 1912 and dealt with the problem of extradition. The outbreak of World War I disrupted its work and it was not until 1927 that a new agency, the International Congress of Jurists, continued the task of codification. The Congress considered several projects of the American Institute of International Law--famous for its "Declaration of the Rights and Duties of Nations" (1916)--and submitted them with modifications to the Sixth International Conference which adopted some of them in the form of conventions. The elaborate machinery created for the codification of public and private international law will be discussed more appropriately in the subsequent chapter on reorganization. Specific agencies were created for the political defense and the continental security of the Western Hemisphere by the Consultative Meetings of Foreign Ministers. In 1940, after the fall of France, the Second Meeting of Ministers set up an Inter-American Commission for Territorial Administration, reference to which has been made above in the discussion on basic principles. The Commission was not called upon to carry out its task. Resolution XVII of the Third Meeting of Foreign Ministers

created the Emergency Advisory Committee for Political Defense to prevent non-military acts such as sabotage, subversive propaganda and espionage. The Inter-American Defense Board, an official agency, was also created by the Third Meeting of Ministers. (Resolution XXXIX) It was entrusted with the vital task of coordinating measures of continental military defense. The Board, represented by military, naval and air officers of the Republics, meets in Washington and discusses problems dealing with defense, security, the protection of communications and the production of strategic materials. Resolution IV of the Mexico City Conference recognized the importance of close collaboration among the American Governments for military defense and recommended that the Inter-American Defense Board continue its work until the Bogota Conference. Several bipartite defense agencies have been created including the Joint Brazil-United States Defense Commission and the Joint Mexican-United States Defense Commission, both set up at Washington in 1942.

Peace machinery for the American Republics is provided for in ten separate inter-American peace instruments which will be discussed in the following chapter. This machinery includes panels of mediators, commissions of inquiry, conciliation commissions and arbitral tribunals. These agencies are ad hoc in character.

The foregoing outline of the present Inter-American System may enable the reader to approach with keener insight the fundamental argument of this paper, the problem of

reorganization.

CHAPTER II

THE NEED FOR REORGANIZATION

Complexity and Confusion

It has been noted in Chapter I that the Inter-American System was not a spontaneous creation but on the contrary, the result of a gradual evolutionary process under favorable Hemispheric conditions. The absence of "blueprints", formal statutes and rigid rules has contributed to the amazing flexibility of the system, the ability to adapt itself to changing needs, ideas, conditions and developments. This is evident from the numerous agencies set up to handle special problems and the procedure of referring proposals, lacking majority concurrence, to the Pan American Union or other inter-American agencies for further study and submission at later conferences.

However, this slow growth of a loose "Union of American Republics" has created serious problems from the standpoint of organization. We have seen the large number of separate and different type agencies; official, semi-official, private, permanent and emergency. The interrelationships of these bodies are extremely complex; their competence is vaguely defined; there is little coordination and much duplication;

and finally, there is the lack of integration and centralization essential for a smooth running machine. The problems of organization are an important factor in the strengthening and revitalization of the Inter-American System. This chapter will discuss the desirability and urgency for reorganization. There are two aspects to this question, the technical reorganization as such--inter-American aspect--and integration into the United Nations. We are here concerned with the former aspect.

Problems - (inter-American aspect)

For the sake of convenience and clarity the problems can be divided into three groupings; fundamental, political and technical.

There are three fundamental problems:

1- The lack of a treaty basis
2- The question of Canada's entrance into the System
3- Sub-regionalism

Unlike most international organizations, such as the League of Nations and the United Nations, the Inter-American System has no formal statutory basis. As it has been pointed out in the development of the Pan American Union, this organ evolved as an international administrative union under the supervision of one government into a truly inter-American body under international control. This change was effected by an informal agreement between the Secretary of State (United States) of the supervisory government and the diplomatic

representatives of the other member states.[1] The Pan American movement started originally with the desire to promote closer commercial ties among the American Republics. Much of the success and the elasticity of the Union is due to the absence of a binding convention. Resolutions adopted at conferences can be amended at subsequent meetings without referring them to the slow process of ratification by the various national legislatures.

The Fourth Conference at Buenos Aires, 1910, adopted a resolution recommending that the American Governments consider the establishment of the Pan American Union on a conventional basis. This resolution was based on a report of the Director of the Bureau favoring such a move. The question was taken up at the Fifth Conference, which met at Santiago in 1923. However, the system continued on the basis of resolution.[2] The traditional policy of the United States against political commitments and "entangling alliances" was directed not only against the League at Geneva but also against any such attempts in the Western Hemisphere. A draft convention drawn up pursuant to a resolution of the Fifth Conference was submitted by the Governing Board to the Sixth Conference, held at Habana in 1928.[3]

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1. W. H. Kelchner, "The Development of the P.A.U.", P.A.U. Bulletin, Vol. 64 p. 333
2. Resolution on the Organization of the P.A.U., International Conferences of American States 1889-1928, (New York 1931) pp 268ff
3. Mexico, Secretaría de Relaciones Exteriores, La Participación de México en la Sexta Conferencia Internacional Americana, pp15ff

The Sixth Conference was held in an atmosphere charged with tension and ill will. The armed occupation by United States Marines of the Dominican Republic, Haiti and Nicaragua had raised the serious issue of intervention. Many of the Latin American states were members of the League and sought their security in that organization. The Latin American policy was to play the League against the "colossus of the North". For this reason there was little enthusiasm on the part of the Latin American Republics to bind the Pan American Union on a treaty basis which might be used as another instrument of United States intervention. Furthermore, in 1928, the United States was still opposed to a formal statute which might hinder its freedom of action in political activities. The draft convention suggested that the Union be established on the basis of a treaty. This raised the delicate question of how the Union was to function pending the long process of ratification by the member Republics. It was decided that the convention, after being signed by all twenty-one republics, was to become effective in force when ratified by all the signatories. As late as July, 1943, seven states had yet to ratify the 1928 Convention.[4] The Union continues to be governed by resolutions of the Fourth, Fifth and Sixth Conferences. The decision that all states were to ratify the Convention before it would come into effect has accounted for much of the flexibility of the system. It likewise has created

4. Juridical Division of the P.A.U., Status of the Pan American Treaties and Conventions, Washington 1943

a serious doubt as to the binding degree of resolutions and agreements on member states, adopted by the Conferences and Meetings of Foreign Ministers during the European crisis and the outbreak of war. A Project of Organic Pact has been drawn up by the Governing Board, pursuant to a resolution of the Mexico City Conference, 1945, which will be submitted to the Ninth International Conference of American States--scheduled for Bogotá in December, 1947--to replace the 1928 Convention. The Pact will be discussed in detail later in this chapter.

Another fundamental problem has been the question of Canada's entrance into the Pan American Union.[5] The traditional Canadian attitude toward Latin America and Pan Americanism has been one of indifference and can be explained by various reasons. Canada did not achieve full dominion status until after the close of World War I. Political independence brought membership in two international organizations; the British Commonwealth and the League of Nations. Canada had little desire to join a third international organization with which she had few spiritual and cultural affinities--despite a large French minority--and a negligible amount of trade. In addition, Canada viewed with considerable suspicion the extension of United States hegemony over her politically unstable neighbors. Finally, Canada was nearer to Europe geographically than to most of Latin America. This traditional feeling of indifference changed radically after the fall of France in

5. See, J.P. Humphrey, The Inter-American System; A Canadian View pp 329

the summer of 1940. A real and vital interest sprang up in the political and economic spheres. The fall of France altered the strategic position of Canada vis-a-vis the United States and the North American continent.

The Ogdensburg Pact created a Permanent Joint Defense Board which was to "consider in the broad sense the defense of the north half of the Western Hemisphere".[6] With this Pact, Canada became a party to the Inter-American defense system, strengthened at Habana in 1940 and accepted responsibilities as far as the Canal Zone. The outbreak of war in Europe caused serious dislocations in the Canadian economy and shipping. The need for markets closer to home was recognized and Canada turned to Latin America. Diplomatic relations were established with Argentina, Brazil and Chile. Trade missions were sent to these countries and most-favored-nation treaties were negotiated. The increase in Canadian-Latin American trade was stimulated by wartime exigencies and future prospects are uncertain. Latin America needs machinery, tools, vehicles and industrial plants,not Canadian foodstuffs. Besides, Canada buys from a special preferential area, the Caribbean colonies of the British West Indies.

However, Canada and Latin America do have one common economic problem, the importance of which justifies a closer and more formal relationship than that which now exists. The economic well-being of both areas depends to a large extent

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6. Ibid., p. 16

on their export trade. There is need for international planning of surplus products and this can be accomplished through regional arrangements functioning through a universal authority. There has been much comment pro and con regarding Canadian participation in the Inter-American System.[7] While there is no controversy in this regard concerning technical matters such as machinery for conciliation and arbitration of dispute, codification of international law, commercial aviation and radio broadcasting, those opposed to complete participation pointed out that it would be extremely precarious for Canada to detach herself from the Commonwealth and join a loose and voluntary Union advocating continental isolationism, until the United States accepts world responsibility.

This was the prevailing sentiment until 1940. The Habana Meeting and the Ogdensburg Pact revitalized an increasing Western Hemispheric solidarity for security against agression which culminated in the Act of Chapultepec. The recognition by the United Nations Charter of regional arrangements and agencies for the maintenance of peace and security further clarified the role of the Inter-American System in world affairs. It has become increasing clear that all nations have an obligation to cooperate in supporting organizations created for the purpose of bringing order into international relations. There are cogent reasons for Canadian entry into the system, among which is the all important question of security.

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7. R.G. Trotter, Inter-American Quarterly, Vol. II pp 5-10
   P.E. Corbett, Ibid., Vol. I pp 30-34

It cannot be denied that Canadian security is tied to American security and that a threat to the United States in Latin America is also a threat to Canada. Hemispheric defense is a matter of multilateral responsibility. This was the substance of President Roosevelt's Kingston address (1938) when he said, "The Dominion of Canada is part of the sisterhood of the British Empire. I give to you assurance that the people of the United States will not stand idly by if domination of Canadian soil is threatened by another empire". The Habana Resolution on Reciprocal Assistance and Cooperation reaffirmed the indivisible nature of hemispheric defense with these words, "any attempt on the part of a non-American state against the integrity or inviolability of the territory, the sovereignty or the political independence of an American State shall be considered as an act of aggression against all the states..."

From the standpoint of security there can be little doubt that the mutual interests and reciprocal obligations of Canada vis-a-vis the Pan American System require formal membership by that country in the System. From a legal and constitutional aspect Canada is perfectly free to enter into treaty relations with other states and to join any international organization. The position of Eire during World War II clearly indicates to what extent Commonwealth connections may be extenuated. Canada has sent delegates to many special and technical inter-American conferences, and is a party to a system of treaties regulating radio broadcasting in the Western Hemisphere.[8] The possibility

8. J.P. Humphrey, op.cit., p. 260

of Canadian entrance into the Pan American System is provided for in the Project of Organic Pact, which was drawn up by the Governing Board and will be submitted to the Ninth International Conference at Bogotá. This project will be discussed later in the chapter.

The Western Hemisphere is witnessing a rapid and recent growth of private organizations and inter-American meetings set up on a local basis which may be termed sub-regionalism. This trend manifests itself among the Latin American countries and reveals a breakdown of the cultural and physical isolation stemming from colonial times. The breakdown was accelerated by wartime exigencies which stimulated increased intra-American trade and the recognition of the need for improved communications and transportation between the Republics.

In January, 1941, the River Plate Regional Economic Conference met at Montevideo. The participants were the five River Plate Countries; Argentina, Bolivia, Brazil, Paraguay and Uruguay. Observers were invited from Peru, Chile and the United States to forestall any criticism of the apparently exclusive regional character of the meeting. The River Plate Conference was called for the general purpose of developing regional commerce in order to offset heavy losses caused by the wartime disruption of European markets. There was also a mutual desire to stimulate the economic progress of landlocked Bolivia and Paraguay. In an important convention adopted by Argentina, Brazil and Uruguay, these countries renounced most-favored-nation treatment for themselves for a period of ten

years. There were other conventions agreed upon dealing with reciprocal preferential tariff treatment, freedom of transit for petroleum and a regional parcel post system. All in all, nine conventions and seventeen resolutions were adopted. From the standpoint of compatibility with the general aims and principles of the inter-American system, there can be little serious objection to this type of sub-regional conference the purpose of which was mainly economic and which grew out of special wartime conditions.

However, a real conflict between sub-regionalism and Pan Americanism arose at the Third Inter-American Conference of the Caribbean held at Port-au-Prince, Haiti, in April, 1941. The Mexican delegation proposed a plan for an "Inter-American Union of the Caribbean". This was met by a strong objection on the part of the United States delegation who desired to exclude political questions from discussion and argued that the Mexican proposal was an unnecessary duplication of the work of the P.A.U. and might lead to the fragmentation of Pan Americanism. The word "Union" was eliminated and the essence of the remainder of the plan was referred to the several governments. In this way a dangerous precedent of establishing regional rivalries within the Pan American System was avoided.

The increasing use of bilateral trade agreements and the joint commission type of agency is a manifestation of sub-regionalism. While to a certain extent this may be beneficial in non-political activities, the indivisible nature of hemisphere defense and security requires the continental solidarity

of all twenty-one Republics and Canada through one organization, the Pan American System.

Political problems will be set forth briefly in order to serve as a background for a more detailed discussion of the recent progress made in these fields. The dominant position of the United States on the Governing Board of the P.A.U. has been the cause of much ill will and resentment on the part of the Latin American states. The Second International Conference of American States provided for a Governing Board composed of the United States Secretary of State, who was to be its chairman, and the diplomatic representatives of the other American governments in Washington. The fact that the Secretary of State was the ex officio president of the Governing Board and that representation on the Board depended on United States diplomatic recognition, substantiated the well founded charge that the Union was a colonial office of the Department of State. In addition, the Director General had always been a United States citizen. It was through this control that the United States restricted the agendas of the early Conferences to non-political matters.

At the Fifth Conference held at Santiago in 1923, a reorganization of the Governing Board was made.[9] Costa Rica proposed that states should be allowed to appoint special representatives to the Board without diplomatic character. This was an attempt to remedy the situation caused by the non-

9. Quinta Conferencia Internacional Americana, Actas de las Sesiones Plenarias, Santiago, 1923, Vol I pp 484-492

recognition of the Obregón regime in Mexico in 1920 by the United States and the subsequent absence of the former at the Santiago Conference. The United States delegation objected to the Costa Rican proposal on the grounds that a two-fold representation in Washington is undesireable.[10] A compromise was agreed upon whereby a state not having a diplomatic representative in Washington might appoint a special representative to the Governing Board. Another reform made the office of Chairman elective rather than have it enjoyed by the United States Secretary of State as of right. In practice, the Secretary of State is annually elected to the chairmanship of the Board as a matter of diplomatic courtesy. Another move to eliminate the preponderant position of the United States in the Union was made at the Congress of Bolivar when Nicaragua proposed that the seat of the Pan American Union be transferred to Panama.[11] The Costa Rican proposal made at Santiago was accepted in substance five years later at the Sixth Conference under Article 3 of the Convention on the Pan American Union which provides that "the government of the P.A.U. shall be vested in a Governing Board composed of the representatives that the American governments may appoint. The appointment may devolve upon the diplomatic representatives of the respective countries in Washington."

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10. Report of the Delegates of the United States to the Fifth International Conference of American States, Washington, 1924, p. 3 ff
11. Congreso Pan Americano Conmemorativo del de Bolívar, Panama 1927, pp 208-211

The prohibition of political activities to the Governing Board and the Union, reiterated at the Sixth Conference was advocated by all the states. Latin America was fearful lest a Pan American Union with political powers become an additional instrument of United States intervention. On the other hand, the United States had no desire to change the traditional non-political character of the Union which had permitted her (United States) so much freedom of action. However, this development on two parallel, but independent lines, of political and non-political activities has not permitted the System to readjust itself to changing conditions both at home and abroad.

Beginning with the Clark Memorandum and mainly through the efforts of President Roosevelt's Good Neighbor Policy, Pan American cooperation and solidarity became a continental principle in place of the unilateral interpretation formerly held by the United States. The prohibition of political activities to the Governing Board was difficult to reconcile with the increasing scope of the Pan American Union in preparing the predominantly "political" agendas of the Seventh, Eighth and 1936 Buenos Aires Conferences, and the need for coordinating the complex inter-American peace machinery. During this period the position assumed by Pan America was entirely inconsistent with the realities of world conditions and was a contributing factor to the failure of the League and collective security. The highly isolationist policy of the United States was responsible for the prohibition of political

activities to the Union and the failure to collaborate with the world organization on the grounds that the latter was essentially a political body. This anomalous situation of Pan America vis-a-vis the League will be treated more extensively in Chapter IV.

Mention was made in Chapter I of the elaborate machinery created for the pacific settlement of inter-American disputes. This machinery is embodied in ten separate agreements (excluding the Pecuniary Claims Convention of 1910) as follows:

1) Treaty to Avoid or Prevent Conflicts between the American States, of May 3, 1923 (Gondra Treaty)
2) General Convention of Inter-American Conciliation, of January 5, 1929
3) General Treaty of Inter-American Arbitration and Additional Protocol of Progressive Arbitration, of January 5, 1929
4) Additional Protocol to the General Convention of Inter-American Conciliation, of December 26, 1933
5) Anti-War Treaty of Non-Agression and Conciliation, of October 10, 1933
6) Convention for the Maintenance, Preservation and Reestablishment of Peace, of December 23, 1936
7) Convention to Coordinate, Extend and Assure the Fulfillment of the Existing Treaties between American States, of December 23, 1936
8) Inter-American Treaty on Good Offices and Mediation, of December 23, 1936
9) Treaty on the Prevention of Controversies, of December 23, 1936
10) Declarations on the Procedure of Consultation adopted at the Inter-American Conference for the Maintenance of Peace, the Eighth International Conference of American States, and the Meetings of the Ministers of Foreign Affairs.[12]

The foregoing diplomatic instruments establish a variety of procedures which cover all methods of pacific settlement, investigation, conciliation, arbitration, good offices and

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12. Executive Committee...op.cit., pp 6-9

mediation, and prevention of controversies. However, there was no clear-cut stipulation as to which procedure is to take precedence over another and to what extent arbitration is obligatory. Furthermore, some states were parties to some of these instruments, while others had failed to ratify them and were not bound.

The Chaco War and the Leticia dispute revealed the inadequacy of ten separate instruments none of which could be applied to the parties involved in these controversies. The need for coordinating this complicated peace machinery into a single instrument was recognized at the Seventh International Conference when Mexico introduced a Code of Peace.[13] This proposal was referred to the governments for further study and was not discussed at the 1936 Buenos Aires Conference. This Conference had on its agenda the topic "Coordination and perfecting of existing international instruments for the maintenance of peace and desireability of incorporating in one instrument". However, nothing was achieved and the question was taken up again at the Lima Conference which referred it to the International Conference of American Jurists, which in turn was to submit its findings to the Ninth International Conference.

The elaborate machinery created for the codification of public and private international law is also responsible for the lack of progress in this field. The Sixth, Seventh, and

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13. International Conference of American States, p. 51 For revised edition see, P.A.U. Improvement of Peace Instruments, Vol. II, p.84

Eighth Conferences and the 1936 Buenos Aires Conference set up the following agencies: Three Permanent Committees set up at Rio, Montevideo, and Habana, dealing with the codification of Public International Law, Private International Law, and Comparative Legislation and the Unification of Legislation; a Committee of Experts on the Codification of International Law to coordinate the work of the Permanent Committees and prepare draft codes; an International Conference of American Jurists to approve, modify, revise or reject these draft codes; and National Committees on the Codification of International Law to initiate the studies. The Lima Conference did little to clear up the confusion of the foregoing machinery.[14]

Another problem has been created by the wide scope of topics dealt with by the Meetings of Foreign Ministers.[15] It has been felt that these Meetings have discussed matters which are more properly within the scope of the Pan American Conferences. There is a need for defining the exact relationship between the Meetings of Foreign Ministers and the International Conferences.

The elaborate machinery through which the Pan American System functions has raised certain technical problems. Mention has been made, if only briefly, of the numerous and diverse types of agencies dealing with political and non-political problems. Some of these are permanent offices

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14. E. Borchard, "The Committee of Experts at the Lima Conference", American Journal of International Law, Vol.33
15. Report of the Governing Board to the Lima Conference, pp 129-132

or bureaus, others are commissions or committees meeting periodically or only in emergency. The bodies created for the pacific settlement of dispute are ad hoc in nature. Some of these agencies cooperate with the divisions of the P.A.U., others do not. Some report the results of their work to the general and special conferences, their own governments or the Governing Board. The essence of the problem is the need for integration and coordination through one central agency. This would seem the logical task of the P.A.U.

Recent Progress

One of the outstanding resolutions of the Mexico City Conference was the resolution dealing with the reorganization of the inter-American system. Before dealing with the specific changes made in Pan American organization by this resolution, it is necessary to consider a report[16] submitted by the Governing Board during the war which considered many of the specific problems pigeon-holed by the Seventh, Eighth and the 1936 Buenos Aires Conferences. The Governing Board realized that the changing conditions of the postwar world would require certain modifications in some of the features of the inter-American system. In accordance with Resolution XXV of the Third Meeting of the Ministers of Foreign Affairs, the Executive Committee of the Board made certain observations and suggestions regarding ar indication of changes that might be

16. Executive Committee on Postwar Problers of the Governing Board, "Pan American Postwar Organization", Washington 1944, pp 71 (printed)

made in the Pan American Conferences, permanent agencies, peace machinery, codification of international law, political defense and security of the Hemisphere, economic organization and the relation of the Pan American System to other international organizations. This report did not represent the views of any government and was submitted merely as a basis of discussion.

The Committee recommended certain modifications in the convocation and organization of the special or technical inter-American conferences in order to increase their efficacy, promote a greater uniformity in their preparation and documentation, and integrate them more closely with the general Pan American movement. It was suggested that the P.A.U. serve as a central source for the coordination and integration of these special conferences.

The Committee believed that the existence of numerous and diverse types of permanent agencies working in the broad field of inter-American relations, necessitates a greater degree of coordination of activity. It was recommended that the Governing Board and the Pan American Union be designated as a central agency to maintain a record of all such permanent Pan American offices, institutes, bureaus, and commissions, receive periodic reports from them on their activities and on the basis thereof, prepare an annual report to serve as a complete record of everything that occurred in Pan American relations. This arrangement would eliminate much confusion and duplication of effort.

It has been noted that the need for the coordination of inter-American peace machinery was recognized at the Seventh and Eighth Conferences and that a resolution adopted at the Lima Conference recommended that the International Conference of American Jurists study the matter and submit a report to the Ninth Conference. The Governing Board, in order to facilitate action on the foregoing resolution, requested that the Inter-American Juridical Committee undertake a study and submit its conclusions to the Executive Committee of the Board. The Juridical Committee submitted a project which included in a single instrument the principles enumerated in the ten separate agreements for the pacific settlement of disputes. This project and an alternative draft omitting certain features of the existing peace machinery and including others, has been appended to the Governing Board's report on postwar organization.[17] The Juridical Committee made the significant comment that the initiation of the procedure of conciliation and investigation be entrusted to the Governing Board, rather than to the Diplomatic Commissions. Despite the rule which forbids the exercise of "political functions" by the Governing Board, it was suggested that the Board be authorized to inform the interested parties of the facilities available for the settlement of disputes and to urge them that they make use of such facilities. The Governing Board was considered a logical agency to carry this out for

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17. Ibid., pp 31-71

several reasons. In the first place, the Board is the one permanent and continuing inter-American body on which all governments are represented and the members are constantly available. It is in a position to act promptly when a problem arises and consequently can make a distinct contribution to the cause of inter-American peace. The Executive Committee recommended that the Ninth Conference consider the desireability of authorizing the Governing Board to take cognizance of international disputes, and to suggest to parties involved in dispute that they avail themselves of the peace machinery existing.

It was pointed out earlier in this chapter that progress in recent years in the codification of international law has been retarded by an over-elaborate machinery. The various groups enumerated above[18] operate throught the International Conferences of American States and the International Conference of American Jurists. The latter was created in 1906 at the Third Conference of American States and meets at irregular intervals. It is not a permanent agency since there is no fixed membership. Certain unofficial groups, such as the American Institute of International Law, have contributed to the work of codification. The Inter-American Juridical Committee set up originally at the Panama Meeting of Foreign Ministers as the Inter-American Neutrality Committee, functions in the broader field of international law and relations. The Executive Committee recognized the desire

18. Supra, p. 52

and need for a simplification of the complicated machinery of codification. While it is beneficial to use the knowledge and experience of every qualified agency in this important work, it is recognized that efficiency and progress depend on the channelization of effort. To achieve this the Committee proposed that the work of codification be done in two stages. In the preliminary stage a small group of technical experts permanently appointed would facilitate progress and give a degree of continuity to the results obtained. These results should then be submitted to the International Conference of American Jurists on which all the Governments are represented. This would be the final stage in the process of codification. To aid the codifying, extensive research in the preliminary work of investigation should be performed by a technical research staff and a permanent secretariat. It was pointed out that the recent lack of progress in advancing the work of codification is caused by the absence of such a research body. The Committee proposed that the facilities of the P.A.U. be utilized for preliminary research work. The value of contributions made in this field by auxiliary agencies, private societies, and all other interested groups was recognized but it was felt that their efforts should be made optional or voluntary, so as not to make the progress in codification dependent on their work. All observations by these interested groups should be addressed to the P.A.U. which in turn would submit them to the inter-American group of experts. The P.A.U. would keep all of these auxiliary agencies informed of progress

in the work of codification.

Political defense and hemisphere security have been the outstanding topics at inter-American conferences held during the past decade. The series of principles formulated at these conferences were the natural and logical outcome of the crisis in international relations and the outbreak of total war. The climax of these efforts toward inter-American solidarity was reached at the Mexico City Conference; the Act of Chapultepec. The vital question of continental defense and security will be discussed more fully in the following chapter. At this point we are primarily interested in the adequacy of the machinery set up to implement and make affective the principles adopted. These principles were enumerated in Chapter I in the section on "basic principles" and the specific agencies set up to carry out these purposes were dealt with in the section on "specialized inter-American agencies". The Executive Committee considered these principles of American solidarity "definite and permanent norms of the inter-American system, that will be invoked whenever a situation arises that makes their application necessary."[19] The Committee suggested that at a future Meeting of Ministers or at the Ninth International Conference, the American Governments reaffirm as permanent features those principles relative to continental defense and security. In addition, consideration should be given to preserving as permanent agencies, the Inter-American Defense Board and the

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19. Executive Committee...op.cit., p. 21

Emergency Advisory Committee for Political Defense, until such time as international order and security are established.

The Executive Committee on Postwar Problems in its report on "Recent Trends in Inter-American Economic Cooperation" enumerated the commercial, industrial and financial measures taken by these countries in recent years to offset the disruptive effects of war. The principal agency organized to meet these wartime economic difficulties was the Inter-American Financial and Economic Advisory Committee. To facilitate the purposes of this Committee,[20] inter-American financial and economic cooperation, the Executive Committee suggested closer integration between the Financial and Economic Committee and the P.A.U. by having those divisions of the latter which are engaged in economic activities prepare technical studies as a basis for the Committee's (Economic and Financial) work.

The Relation of the Pan American Organization to other international organizations was also considered by the Report. In 1944, plans for a world organization were being formulated. The Governing Board recommended cooperation with the future international organization in non-political activities only; economic, social, cultural and juridical. This was a restatement of the traditional attitude of Pan America *vis-a-vis* the League of Nations.

Mention has been made of the Report of the Inter-American Juridical Committee on the Coordination of Inter-American

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20. *Supra*, Chapter I "inter-American agencies"

Peace Agreements and the two draft projects appended to the Governing Board's report on Postwar Organization. Resolution XV of the Eighth International Conference of American States pointed out that "the juridical measures to prevent war in America are scattered in numerous treaties, conventions, pacts and declarations, which it is necessary to coordinate into an organized and harmonious unified instrument". The Governing Board recommended that the Inter-American Juridical Committee prepare such an instrument limited strictly to coordinating existing agreements and the principles contained in them. In this regard, the Juridical Committee submitted a "Coordination Draft". The problem involved here concerned the evaluation of the relative importance to be attached to treaties which have been ratified by a larger or smaller number of States. The failure of American republics to ratify treaties and agreements has caused considerable confusion and ambiguity as to the degree of their binding force. This question remains unanswered. The Juridical Committee also prepared an "Alternative Draft" explaining and justifying modifications which it believes desireable to introduce into the existing peace machinery. These modifications were based on projects presented to the Lima Conference--The Mexican Peace Code--and partly upon the conclusions of the Committee itself. It is not our purpose here to analyze the highly technical juridical ramifications of the "Alternative Draft" but merely to point out some of the more significant observations made. The Juridical Committee noted that the procedure adopted for the

preservation of controversies, the establishment of bilateral mexed commissions and a permanent committee of five, has not been followed. Consequently, it was suggested that the procedure for the prevention of controversies be left to the Foreign Offices of the respective Governments. In regard to the procedure of good offices and mediation,--adopted at Buenos Aires in 1936--the Committee recommended that in the event of the failure of the parties to agree upon a mediator, the dispute shall be referred to the alternative procedures of arbitration and conciliation. The Committee also recognized that no attempt was made to coordinate the procedures of arbitration and conciliation provided for at the 1928-29 Conference on Conciliation and Arbitration. Likewise, no attempt was made to determine which settlement should take priority over the other. The Committee offered the opinion that the development of international law is promoted by the more formal procedures of arbitration, for juridical disputes. However, this does not deny to the States in controversy, recourse to the procedure of conciliation which becomes obligatory for disputes of a non-juridical character. The Committee also decided that the ad hoc conciliation, as established in the Gondra Treaty of 1923, should be retained in preference to the permanent commissions which deal with future disputes. In regard to the procedure of consultation, the Committee recommended that the principle of collective responsibility for the maintenance of peace replace the "common and solidary attitude" of neutrality found in the 1936

Convention to Coordinate Existing Treaties. This principle would distinguish between an aggressor state and the victim of aggression. One of the outstanding features of the "Alternative Draft" is the attempt which it makes to provide a logical sequence in carrying a controversy through progressive stages of procedure to a final settlement without delay and obstruction.

The Inter-American Conference on Problems of War and Peace, more popularly referred to as the Mexico City Conference, (February 21-March 8, 1945) had among the four topics on its agenda the reorganization of the Inter-American System.[21] Resolution IX as approved by Committee III of the Conference is called Consolidation, Strengthening, and Reorganization of the Inter-American System and is often referred to as the Resolution of Mexico. Point 1 provides that the International Conferences of American States shall meet at four rather than the previous five year intervals. The next Conference is scheduled for Bogotá in December of 1947. Point 2 declares that the Meetings of the Ministers of Foreign Affairs shall be held annually unless an International Conference of American States is held in the same year. These Meetings of Foreign Ministers are to be confined to problems of great urgency and to situations which may disturb the peace of the Republics. When the Ministers of Foreign Affairs are unable to attend they may be represented by a special representative.

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21. See, Final Act, P.A.U., Washington 1945 pp 121 (printed)

In point 3 an important change was made in the structure of the Governing Board. Each American republic was to designate one ad hoc delegate to the Governing Board with the rank of Ambassador, but independent of the diplomatic mission accredited to Washington. It was recognized that the scope and functions of the Governing Board required a specially designated body. Point 4(a) states that "...the Governing Board of the P.A.U. shall take action on every matter which affects the functioning of the inter-American system and the solidarity and well-being of the American Republics, within the limitations imposed upon it by the International Conferences of American States or pursuant to the specific direction of the Meetings of Foreign Ministers."

This would appear to leave the door open for the assignment of so called "political functions" to the P.A.U. Point 5 removes much of the cause for criticism of United States dominance on the Governing Board and is a further step toward the principle of equality in the Union. The Chairman of the Governing Board is to be elected annually and is not eligible for reelection during the term immediately following. The Director of the P.A.U. may hold office for ten years but is not eligible for reelection nor can he be succeeded by a person of the same nationality. A new permanent organ of the P.A.U. was created in point 7. An Inter-American Economic and Social Council will replace the emergency Inter-American Financial and Economic Advisory Committee. Among other functions, the Council is to serve as the coordinating agency for all official inter-American economic and social activities, promote social progress and the raising of living standards for all the

American peoples, and is charged with the important task of "maintaining liason with the corresponding organ of the general international organization when established and with existing or projected specialized international agencies in the economic and social field". Point 9 charges the Governing Board with the preparation of an Anteproject of a charter for the improvement and strengthening of the Pan American System. The Anteproject is to reaffirm international law as the rule of conduct between the American Republics and is to include a "Declaration of the Rights and Duties of States" and a "Declaration of the International Rights and Duties of Man" annexed to the charter. In addition, the Anteproject is to create new organs or eliminate or dovetail the functions of existing organs between and with the world organization. Likewise, the Anteproject is to consolidate existing inter-American peace instruments and simplify and improve the inter-American peace organization utilizing the services of the Inter-American Juridical Committee. Finally, the Anteproject is to provide the establishment of an equitable system for the financial support of the P.A.U. and all its related organs. The Inter-American Commission of Women is included as an organ of the P.A.U.

Pursuant to Resolution IX of the Mexico City Conference, the Governing Board prepared a draft charter, Project of Organic Pact,[22] which was submitted to the American Governments

22. Project of Organic Pact of the Inter-American System, P.A.U., Washington 1946 pp 33 (mimeographed)

for observation and comment, in April of 1946. On the basis of these observations a definite project will be prepared for submission to the Ninth Conference at Bogotá. The draft charter takes into account the basic features of the Pan American movement and Resolution IX of the Mexico Conference which dealt in broad terms with the reorganization of the system. Certain matters entrusted to the Inter-American Juridical Committee are not discussed in the draft project viz. "Declaration of the International Rights and Duties of Man" and coordination of peace machinery. The Juridical Subcommittee of the Board which drew up the project was unable to accept the recommendation of the Mexico City Conference establishing the Inter-American Commission of Women as an organ of the P.A.U. Due to the ambiguity of Resolution IX, the Subcommittee considered the Commission of Women as either a "specialized organ" or as a possible "dependency of the Governing Board". The exact status of this Commission is to be clarified at the Bogotá Conference. There are five parts to the draft. A project of resolution is to be considered by the Ninth Conference when the Organic Pact is signed. Part I is called "Principles and Purposes" and has five articles. Article I dealing with membership, asserts that "The American Nations are, as of right, members of the Inter-American System". This is based on the Colombian-Dominican project for an Association of American Nations.[23] Article II states that

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23. Infra, Chapter III

the enjoyment of legal rights "requires the fulfillment in good faith of all obligations..." This is an elementary principle of law which establishes a connection between juridical rights and duties. Article III based on the Resolution of Mexico (point 9) reaffirms international law as the rule of conduct in inter-American and world relations; endorses the principles and procedures established by the American states for the pacific settlement of disputes and for continental security; and requires ratification of the declarations on the international rights and duties of man and of states. However, these declarations are to be ratified independently of the Convention (Organic Pact) so as not to delay the ratification of the latter. Article IV lists the basic purposes of the Inter-American System, based on various inter-American agreements. Article V enumerates the organs through which the system functions and is based on the 1928 Convention on the P.A.U., viz. inter-American assemblies; the P.A.U. and the specialized inter-American organizations.

Parts II, III, and IV deal with the foregoing organs, respectively. In Part II, the predominating role of the International Conferences in formulating inter-American policy and directing the course of the Pan American movement is reaffirmed. The Meetings of Ministers are charged with the consideration of those problems which may affect the peace and security of the Arerican States. This is an attempt to restrict the scope of the Meetings to the original purposes for which they were convened and thereby avoid any antagonism

with the International Conferences. Special conferences are to deal with technical questions and their programs and regulations are to be prepared by the Governing Board, which performs similar duties for the International Conferences and the Meetings of Ministers.

In Part III the P.A.U. is reaffirmed as the central organ of the System and comprises the Governing Board, the General Secretariat and dependent organs of the Governing Board, such as the Inter-American Economic and Social Council. The P.A.U. is recognized as having international juridical personality and is granted rights, privileges and immunities befitting that status. Article 20, based on existing resolutions, reaffirms the P.A.U. as the permanent secretariat of the Inter-American Assemblies and the custodian and depository of documents, proceedings and instruments of ratification. Article 26 restates the highly controversial question--Resolution IX, point 4a of the Mexico City Conference--of assigning political functions to the Governing Board. The wording in Article 26 includes the possibility of assigning such vital matters as continental security and pacific settlement of disputes to the Governing Board. These political functions could be assigned to the Governing Board at the proposed Rio Conference on hemisphere defense and the Ninth Conference at Bogotá. This possibility if carried out would mark a radical departure from the traditional development of political and non-political activities on two parallel but independent lines and would permit effective collaboration with the world organization for the main-

tenance of international peace and security. Article 27 provides for cooperation between specialized inter-American agencies and their counterparts in the United Nations. Article 28, based on the Resolution of Mexico, provides for greater effectiveness and closer cooperation of the Pan American System and specialized agencies, respectively. The Governing Board may "Formulate and submit to the Governments, to the International Conferences of American States or to the Meetings of Consultation of the Ministers of Foreign Affairs, suggestions or proposals for the creation of new specialized organizations, or the consolidation, adaption, or elimination of existing organizations, including their financing and maintenance; coordinate the activities of the specialized organizations through consultations and proposals to them, or recommendations to Inter-American Assemblies...".

In Article 28, pursuant to the Resolution of Mexico, the Governing Board shall determine the quota to be contributed by each Government for the maintenance of the P.A.U. and its related organs. Articles 31-37 inclusive, deal with the General Secretariat, its personnel, functions, and election procedure. Articles 38-40 inclusive, recognize the Inter-American Economic and Social Council as an integral part of the P.A.U. and possessed with complete authority over all matters in its field. "An Executive Secretary General shall be elected by the Governing Board of the P.A.U. from a list of three candidates submitted by the Inter-American Economic and Social Council". This is based on a Governing Board report of August 29, 1945. The Executive Secretary General will be in charge of economic and social matters and will coordinate the work of the various divisions of the P.A.U. in these fields.

(Art. 40) The functions of the Economic and Social Council are based on the Resolution of Mexico, point 7. Article 41 deals with dependent organs of the Governing Board which may be recommended by the Board if considered necessary to complement the work of the P.A.U. It is clear from an analysis of Part III that the Governing Board of the Union retains its predominant position within the system as the agency of coordination and promoter of inter-American relations.

Part IV deals with specialized inter-American organizations. Articles 43 and 44, based on the Resolution of Mexico, recognize those agencies established by multilateral agreements among American Governments which handle technical matters of common interest to the System and which are recognized as such by the Governing Board. These specialized agencies are to report to the P.A.U. periodically on the progress of their work. On the basis of this information the P.A.U. will prepare annual reports for the American Governments with an account of all inter-American activities. Part V provides for the ratification and entry into force of the Convention (Organic Pact). Ratification by the Contracting States shall be in conformity with their respective constitutional processes. The Convention will come into effect, with respect to the ratifying States, upon ratification by two-thirds of the signatory States. It will become effective for the remaining States as each deposits its ratification with the P.A.U. This procedure differs considerably from that established by the 1928 Habana Convention, which required universal ratification

for entry into effect. Article 49 provides for the possible entrance of Canada into the Inter-American System. The article declares that States not signatories to the Convention, may adhere to it by transmitting an instrument to the P.A.U. through regular protocolary procedure.

A project of resolution is appended to the report and is to be considered by the Ninth Conference at the time the Organic Pact is signed. The resolution attempts to ensure that the signatory States "act in conformity with the provisions of the Convention" upon its entry into effect--two-thirds ratification--until they deposit their ratifications. The predominant subject on the preliminary list of topics submitted to the American governments by the Governing Board for consideration at the coming Bogotá Conference was the reorganization of the inter-American system. This was in accordance with the recommendations of the Eighth International Conference of American States and the Inter-American Conference on the Problems of War and Peace. The program of the Ninth Conference,[24] is limited to topics relating to the larges aspects of inter-American policy and primarily the structural organization of the inter-American system.

Problems of organization will determine to a great extent the present and future of Pan America as they have the past. We have seen that Resolution IX of the Mexico City Conference was a logical consequence of proposals made at recent inter-

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24. For the program of the Ninth Conference see, P.A.U. Bulletin, May 1946

American conferences and makes possible a complete reorganization of the inter-American syster at the Bogotá Conference. However, Resolution IX dealt only with the purely inter-American aspect of reorganization. The other aspect of this problem is the integration of Pan America into the United Nations. This involves the vital issue of regionalism and universalism. Consequently, it will be necessary, in the next chapter, to examine both the development and nature of Pan American solidarity, before considering the highly important question of Pan America vis-a-vis the world organization.

CHAPTER III

RETURN TO BOLIVARIANISMO

The most outstanding achievement of the Mexico City Conference, especially from a Latin American viewpoint, was the Declaration on Reciprocal Assistance and American Solidarity, known as the Act of Chapultepec. This resolution on continental solidarity, although a direct outgrowth of the failure of collective security, the bankruptcy of the League of Nations, and the outbreak of World War II, has its roots in the early Pan Americanism of Bolivar and other revolutionary leaders. Consequently, before examining the Act of Chapultepec it will be necessary to consider the development of Pan American solidarity as expressed in concrete manifestations and proposals; early South American origins, an American League of Nations and an Inter-American Court, the Conferences of Buenos Aires, Lima and the Meetings of Foreign Ministers, and finally, the Act of Chapultepec itself.

Early South American Origins

The Congress of Panama convened in 1826 under the leadership of Bolivar, made the first attempt to put into practical application the growing sentiment of Pan American solidarity expressed by various statesmen of both Americas.[1] "El

1. R. Alfaro, Commentary on Pan American Problems, pp 66-71

Libertador", in extending invitations to the former Spanish colonies, declared, "...it is time the interests and relations uniting the American Republic should have a fundamental basis that shall perpetuate...those Governments. To initiate that system and concentrate the power of this great political body, implies the exercise of a sublime authority...In them (protocols of the Isthmus) the plan of the first alliances that shall sketch the mark of our relations with the universe..."[2] Eleven states were invited to the Congress of Panama but only Mexico, the Central American Confederation, Greater Colombia and Peru attended. The Congress was called for the principal purpose of creating an American confederation to resist any European encroachment in the Western Hemisphere, especially the return of Spanish hegemony. The principle of multilateral interpretation of the Monroe Doctrine resulted from this fear of Spain and is clearly stated in Bolivar's instructions to the Colombian delegates;

> "In order therefore to promote this essential object and in order that America may be seen for the first time in some sort united, the executive ardently desires that the United States should send its plenipotentiaries to Panama, so that together with those of Colombia, and its Allies, they may agree upon some effective means for preventing foreign colonization in our continent and for resisting the application of the principle of legitimacy to the American States in general".[3]

The ideas of Bolivar, though regional in essence, were universal in outlook.

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2. Invitation of General Bolivar to the Congress of Panama, International American Conference, Reports of Committees and Discussions Thereon, Vol. IV p. 159-165
3. Quoted by J.B. Lockey, Pan Americanism: Its Beginnings, p327

> "The Congress of Panama will bring together all the representatives of America and a diplomatic agent of His Britanic Majesty. This congress seems to be destined to create a further reaching, more extraordinary, stronger league than has ever been formed in the world. The Holy Alliance will be less powerful than this confederation should England be willing to be a party as a constituent member...The relations of political communities would obtain a code of public law for their universal rule of conduct...The strength of all would come to the aid of one suffering from a foreign enemy or anarchical factions".[4]

Further evidence of this universal outlook can be found in an article appended to the Treaty of Panama, 1826, which stated that,

> "Whereas the contracting parties ardently desire to live at peace with all the nations of the universe and...they shall proceed to fix by common agreement all those points, rules, and principles that are to govern their conduct in both cases, (peace and war) to which end they shall again invite all friendly and neutral powers to take an active part in such negotiations...and meet through their plenipotentiaries to adjust, conclude, and sign the treaty or treaties..."[5]

It is this universal aspect of continental solidarity which distinguishes "Bolivarianismo" from the regional isolationism of "Monroismo".

A Treaty of Perpetual Union, League and Confederation was adopted by the four states at the Panama Congress, but lacking ratification, never went into effect. There are several reasons for the failure of the Congress. The inability of the United States, Bolivia and Chile to send their delegates to Panama in time indicated poor over-all planning. In addition,

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4. Views of General Bolivar on the Congress of Panama, Second Pan American Scientific Congress, The Report of the Secretary General, p. 142
5. Quoted by E. Padilla, "The American System and the World Organization", Foreign Affairs, October 1945, p. 103

Brazil and the United Provinces of the Plate were on the verge of war over the Banda Oriental (Uruguay) and did not send delegates to the Congress.

The Congress of Panama set a precedent for a series of South American conferences, which through 1865, manifested a political solidarity against the threat of foreign aggression and interference.[6] The first of these, the Congress of Lima, (1847-48) was held to forestall the possibility of Spain setting up monarchies in Ecuador, Puerto Rico, Cuba and Santo Domingo. Of course, the main threat confronting the young Republics was the expanding "manifest destiny" of the United States culminating in the war against Mexico. A Treaty of Confederation was signed at Lima but was not ratified by the respective states.

Another conference was held at Santiago de Chile in 1856. Fear of "Yanqui" aggressiveness had increased as a result of the Walker armed expedition in Nicaragua. Peru, Chile and Ecuador signed a Continental Treaty for mutual defense but again there was no ratification. A Treaty of Alliance was adopted by Brazil, Argentine Confederation and Uruguay at Rio in 1859 but did not take effect.

The second Congress of Lima (1865) was attended by Bolivia, the United States of Colombia, Chile, Ecuador, Peru, El Salvador and Venezuela. These states signed a Treaty of

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6. For early South American conferences see, P.A.U., Special Handbook...use of delegates at the Eighth Conference, p. 24 ff

Union and Defensive Alliance, which like the foregoing treaties, was never ratified.

Certain pertinent observations can be made with respect to the group of conferences held between 1826 (Panama) and 1864 (Lima). In the first place, from the aspect of practical achievement these conferences accomplished very little; not a single treaty signed ever came into force. Violence and political instability plagued the young Republics and prevented any effective continental solidarity during these years. Latin American collaboration with the United States was impossible. The aggressive actions of the latter had aroused a well-founded fear and distrust among the Spanish American republics. In addition, the "Colossus of the North", in line with its traditional policy of isolation restated in the Monroe Doctrine, viewed with considerable coolness the political leagues and alliances conterplated by the Latin American Republics. Furthermore, from the aspect of organization these early conferences had serious shortcomings. No provision was made for a permanent secretariat with a resultant haphazard planning and lack of continuity.

Despite the absence of concrete results, these conferences were able to consolidate the growing sentiment of liberty and security through collaboration and solidarity. Bolivarian ideals inspired the efforts to create a regional security system operating through mutual guarantees of political independence, sovereignty and territorial integrity. The South American political conferences (1826-1864) set a prece-

dent of inter-American consultation for the maintenance of peace and security, but Pan American solidarity was to remain a vision for many years to come.

An American League and Court

After 1864 the character of the South American conferences changed from a political to a juridical nature. The European threat to Spanish American independence was reduced with the achievement of unity in the United States after the Civil War. However, the commitments undertaken by the United States in the Monroe Doctrine continued to be balanced by the British Navy until the close of the century. These conferences (1864-1889) dealt primarily with the codification of American international law and attempted to adopt obligatory arbitration as a fundamental principle in the pacific settlement of inter-American controversy. This trend away from the Bolivarian political association of nations made possible United States entrance into the system of conferences in 1889. In that year the First Pan American Conference was held at Washington, D.C., to promote closer commercial cooperation among the American Republics.

With the construction of a powerful navy, the United States became a world power and was able to reserve to itself the exclusive and unilateral interpretation of the Monroe Doctrine. Armed intervention by the United States in Latin America and the emphasis placed by the former on the non-political nature of the Pan American movement prevented the

formulation of continental solidarity. Nevertheless, two highly interesting and well-supported projects received considerable attention during these years of United States predominance in the Union and reinforced the traditional desire of Latin America for a more complete political unity of the Americas. The proposals were for an American League of Nations and an Inter-American Court.

During the first decade of the 20th century, Bolivia, Uruguay and the Dominican Republic made suggestions for an American League. Woodrow Wilson, in a speech made at the Second Pan American Scientific Congress held at Washington in 1916, proposed the formation of a political Society of American Nations. This proposal restated in essence the early 19th century Bolivarian scheme of an American confederation of states. In this speech Wilson said,

> "...If America is to come into her own, into her legitimate own, in a world of peace and order, she must establish the foundations of amity so that no one will hereafter doubt them...It will be accomplished in the first place by the states of America uniting in guaranteeing to each other absolutely, political independence and territorial integrity..."[7]

In a circular-note of January 24, 1916, President Wilson's proposal was formally presented to the Foreign Offices of the Latin American republics and contained four articles as follows:

> "I. To guarantee their territorial integrity and political independence.
> II. To settle all boundary disputes by amicable arrangement or by arbitration.

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7. Quoted by R. Alfaro, op.cit., p. 75

> III. To submit all differences between any two of them, excepting those affecting honor, independence and interests of third parties, to a permanent international commission, which will render a decision within a year, and if decision be unsatisfactory, to submit such differences to arbitration.
>
> IV. To prohibit the departure of military forces, arms or ammunition from their territory to revolutionists in other Republics."

It was proposed that the above points be incorporated into a treaty to be signed by all of the Republics. Wilson's plan did not materialize, but it was given definite expression in the Outline of Statutes formulated by Dr. Baltasar Brum, President of Uruguay, published in "El Día" February 10, 1923. The ideas of Brum can be found in his book called La Paz de América, published in Montevideo in 1923.

Part I, "American Solidarity", is a reprint of a lecture given by Brum at the University of Montevideo on the 21st of April, 1920. The Uruguayan President was a staunch advocate of continental solidarity and in a note sent to the Brazilian Minister at Montevideo on June 12th, 1917, he declared,

> "...United as the nations of the New World are by eternal bonds of democracy and by the same ideals of justice and liberty, the logic of principles and interests, for better securing the efficiency of the former, and the free development of the latter, must necessarily determine, in the presence of the events that actually affect the world, a close union of action, so that an attack against any of the countries of America, with violation of the universally recognized precepts of International Law, may constitute an offence to all and provoke in them a common reaction."

Brum recommended that the Monroe Doctrine become a defensive alliance between all the American countries based on a deep sentiment of solidarity and declared that,

"The principle of American solidarity which should be

> based on the constitution of a continental league is more ample...than the Monroe Doctrine, because it will not only defend the countries of America against the foreign invadors but also against any imperialist tendencies which might arise amongst themselves."[8]

Brum favored an American League as had been proposed by President Wilson in 1916 and believed that Article XXI of the Geneva Covenant--which recognized the Monroe Doctrine--could serve as a basis for the regional decentralization of the League of Nations. He pointed out that an American League, serving the interests of this Hemisphere, would have the two-fold purpose of dealing with extra-continental conflicts as well as those arising in the Americas.

In Part II of this book called "World Solidarity", Brum declared that regional federalism is essential for the maintenance of world-wide peace and security. It is in Part III that Brum presented an outline for the Association of American Countries. It is strongly emphasized in this section that the existence of the Association of American countries will not be antagonistic to the general objectives of the League of Nations and that membership in both organizations is entirely compatible. The American League was to consist of a Council of nine states to be chosen by a majority vote of the Assembly for a period of six years; two states could be reelected indefinitely. In other respects the Brum plan, in technical form, resembled the Geneva Covenant.

The Brum proposal for an American League of Nations was

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8. B. Brum, La Paz de América, pp 23-24

on the agenda of the Fifth International Conference which met at Santiago in 1923. Dr. Buero, the Uruguayan Secretary of Foreign Affairs, read the Brum report, but no action was taken. At this time, the United States was opposed to political commitments whether they be in the Geneva organization or in a regional organization and was not ready to accept the continentalization of the Monroe Doctrine proposed by Brum. Furthermore, many of the Latin American states were members of the League of Nations and had hopes of counter-acting the interventionist policy of the "Yanqui colossus" through the Geneva body.

Three years later a congress was held in Panama commemorating the centenary of the 1826 Congress of American Nations convened by Bolivar and passed the following resolution:

> "The expediency of constituting an Association of American Nations...is hereby recognized. It is recommended therefore that the Governments of the American countries make arrangements to convene a Congress of Plenipotentiaries which will exclusively take up the drafting of the Covenant of such an Association..."[9]

The Sixth International Conference met at Habana in 1928 but did not include the League topic on its agenda. The political situation had changed very little in the five years since Santiago. There was a decided feeling against cloaking the P.A.U. with political powers, and a resolution was adopted which specifically prohibited such functions to the Union.

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9. Proceedings of the Congress are found in Congreso Panamericano Conmemorativo del de Bolívar, Panama, 1927

The League issue was raised again at the Buenos Aires Conference for the Maintenance of Peace in 1936 and was included in the agenda under the title: "Consideration of other measures tending toward closer association of the American Republics..." The failure of the Disarmament Conference, the loss of prestige incurred by the League of Nations in the Manchurian and Ethiopian affairs, the formation of the Axis alliance by three agressive world powers and the restatement of United States isolation with the passage of the Neutrality Act--all of these manifestations--indicated to several of the Latin American states that a strong regional organization was needed in the Western Hemisphere for the preservation of peace and security.

Consequently, two projects were submitted to the Buenos Aires Conference, by Colombia and the Dominican Republic. In both drafts there was agreement on the following fundamental points:

a) All the American Nations shall, in their own right, be members of the Association.

b) The seat of the central organ of the Association shall be moveable and not permanent.

c) The central organ shall meet monthly; may initiate conciliation proceedings; and each state has one vote in the deliberations.

d) The territorial integrity and political independence of the member states are to be guaranteed.

e) War is repudiated and territorial questions cannot be

resolved by violence.

f) An inter-American court should be established with juridiction over conflicts arising between two or more American republics.

g) Arms are to be limited and the sale of armaments permitted only to established governments.

There was one important difference between the projects submitted by the Dominican Republic and Colombia. The former project did not contemplate sanctions and did not renounce the principle of neutrality in case of a war of aggression. On the other hand, the Colombian plan defined the aggressor in concrete terms and enumerated the sanctions--all measures short of the use of force--to be imposed by all members of the Association against the aggressor.

There was no great support for the Dominican-Colombian projects at the Buenos Aires Conference. Two of the powers in Latin America, Chile and Argentina, believed that the maintenance of peace and security is a universal responsibility to be entrusted to the Geneva organization. This Latin American bloc, backed by the United States, pointed out that an American League would be hostile and antagonistic to the purposes and interests of the world organization. In addition, it was argued that the inter-American system has many advantages of a league without the pitfalls of a formal political union.

Dr. Ureña, chairman of the Dominican delegation, offered sound reasoning for an American League when he said,

"...that Association (P.A.U.) acquires every day a larger scope: it has made several treaties of arbitration and conciliation, it has tackled the problem of codifying international law, and it has on different occasions made declarations of a juridical character which have a political scope...there does exist a state of union between the American republics...why not give a definite, contractual form to that state of union?"[10]

Arbeláez, the Colombian delegate, further elaborated on this point when he said,

"The (American) Association of Nations in fact is nothing but a question of form. All the countries of America, it seems to me, have a mature, very mature thought and a more mature sentiment of American solidarity...If that solidarity is an evident fact, if it is a palpable sentiment, I maintain that the Association of Nations is but a form of that solidarity. Therefore it is not a question of looking for a new current, but simply of giving form and effectiveness to that current."[11]

The Dominican and Colombian governments were requested by the Buenos Aires Conference to draft a consolidated project for submission to the Eighth Conference at Lima in 1938. A combined project was drawn up providing for the creation of an Association of American Nations, modeled very closely to the Colombian draft submitted at Buenos Aires.[12] The clear-cut definition of an aggressor and the sweeping provisions for sanctions and collective security were unpalatable to the anti-league bloc at Lima. Although cognizant of the approaching crisis in international affairs, the Eighth Conference was not ready to create a regional league with political functions. The alternative solution was to promote closer political

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10. Quoted by R. Alfaro, op.cit., pp 85-86
11. Ibid.
12. For text of the Colombian-Dominican project see, Eighth International Conference of American States, Diario de sesiones, pp 202-205

relations on a purely cooperative and voluntary basis through the procedure of consultation which had been instituted at Buenos Aires two years earlier. The Colombian-Dominican project was referred to the International Conference of American Jurists for further study and the Jurists are to report their findings to the Ninth Conference at Bogotá.

At present the League issue is dead and does not appear on the tentative list of topics to be discussed at the Ninth Conference. The Mexico City Conference, and more especially the Act of Chapultepec, deny that in the interests of Pan American solidarity it is necessary to give a formal political structure to the whole system of inter-American relationships. However, there is the possibility that the P.A.U. and the Governing Board may be assigned so called "political functions".

As early as the Second and Third International Conferences, interest has been manifested in the establishment of an inter-American court to deal with legal disputes arising between American states. However, this idea, as well as that of an American League of Nations, goes back to the Congress of Panama. It was there that Bolivar envisioned an "Assembly of Plenipotentiaries" that should serve as "Arbitral Judge and Conciliator" for inter-American disputes and as "a faithful interpreter of their public treaties".[13] A Central American Court of Justice set up in 1907 to deal with legal questions affecting the relations of the five republics of that area

13. Quoted by R. Alfaro, op.cit., p. 55

ceased to exist in 1918. Costa Rica presented a draft statute of a Pan American Court of International Justice to the Fifth Conference at Santiago in 1923. The Costa Rican project was inspired by the world court set up at the Hague and included a provision for compulsory jurisdiction similar to that of the optional clause of the Permanent Court of International Justice. The Fifth Conference was unprepared to accept this proposal. Dr. Yepes, the famous Colombian statesman, presented a draft statute for a court to the Sixth Conference but nothing was done in this regard.

In 1933, the Mexican Peace Code included provision for an American Court of International Justice with the possibility of Canadian representation. El Salvador proposed that the governments carry out the Bolivarian ideal of an American league and court. Resolution XXV of the Montevideo Conference referred the court project to the governments for further study.

At the 1936 Buenos Aires Conference additional court projects were submitted for consideration and a majority of the Republics came out in unequivocal support for an inter-American court.[14] The United States and the A.B.C. States were the principal parties opposing. The Conference referred the several projects to the Governing Board for study. The Board made an analysis of all projects presented on this topic from the Fifth Conference onward and published its report in a

14. Ibid., p. 57

text called P.A.U., Informes y proyectos sobre el establicimiento de la corte inter-americana de justicia internacional, (Washington, n.d.)

The Eighth Conference which met at Lima in 1938 had before it the foregoing Governing Board report and a revised edition of the Mexican Peace Code. In the latter there was a pertinent argument made for the creation of an inter-American court, with these words,

> "The form in which law is invested is one and the same for the whole world, but a correct understanding of facts pertaining to the Americas is more readily--to be obtained by Americans themselves...The very reasons that render it advisable and acceptable to multiply the recourses for conciliation, are reasons in favor of multiplying the organisms of international justice."[15]

However, the court issue was set aside indefinitely by the Conference with this declaration of Resolution XXV as follows:

> "That it is the firm purpose of the States of the American Continent to establish an Inter-American Court of International Justice, whenever these States may recognize the possibility of doing so with complete assurance of success, and that in the meantime the study of an adequate statute on which international justice in America may rest shall be encouraged."[16]

There is general agreement that while the existence of an inter-American court is not absolutely essential its creation would be justified only if its jurisdiction were limited to inter-American disputes arising out of the particular international law binding on American Republics. This would avoid antagonism between the regional and world court and provide for the subordination of the former to the latter.

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15. Ibid., p. 60
16. Quoted by M. Ball, op.cit., p. 65

Buenos Aires to Rio (1936-1942)

The Buenos Aires Conference of 1936 and the Lima Conference of 1938 set in motion a process--mutual consultation for the preservation of American peace--which transformed the Monroe Doctrine into a multilateral declaration of continental solidarity. At the invitation of President Roosevelt an Inter-American Conference for the Maintenance of Peace met in Buenos Aires, December 1, 1936. The Conference was called in order to strengthen the machinery for the preservation of peace in the Americas and to achieve some degree of regional security against the rise of totalitarian aggression. President Roosevelt opened the Conference with these words:

> "In the determination to live at peace among ourselves, we in the Americas make it at the same time clear that we stand shoulder to shoulder in our final determination that others who, driven by war madness or land hunger, might seek to commit acts of aggression against us, will find a hemisphere wholly prepared to consult together for our mutual safety and our mutual good...Let each of us learn the glories of interdependence."[17]

The agreement to initiate the procedure of consultation when the peace of the American republics is menaced is contained in the Convention on the Maintenance, Preservation and Re-establishment of Peace, known as the Consultative Pact. This was a reversal by the United States of its traditional unilateral interpretation of the Monroe Doctrine. Since the advent of the Good Neighbor Policy in 1933, the United States had become the champion of regional unity through economic and

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17. New York Times, December 2, 1936

political cooperation. The Consultative Pact was a watered down version of a Brazilian proposal which considered ,

> "as an unfriendly act the interference of any extra-continental power with an American country, whenever such interference should threaten the security of that country or else directly or indirectly endanger its territorial integrity or determine the exercise, in any form, of a preponderant influence on its destinies."[18]

The pact was another manifestation of reluctance on the part of the United States to bind itself with a formal political agreement. Furthermore, most of the Latin American states led by the "universalist" Argentina--Dr. Lamas of Argentina was president of the League Assembly--were members of the Geneva organization and were unprepared to jeopardize friendly relations with Europe. The Consultative Pact, although contemplating American wars and wars outside of America, went no further than setting up a procedure on a purely cooperative basis without mention of the machinery to be used for the consultation. The Buenos Aires Conference faced with the approaching crisis in international affairs but unwilling to bind Pan Americanism with political commitments resolved the dilemma through the procedure of consultation.

Two years later at Lima, the Buenos Aires Declaration of Solidarity ("...everyact susceptible of disturbing the peace of America affects each and every one of the...") was reaffirmed and provision was made for the meeting of the Ministers of Foreign Affairs to make effective American solidarity through the procedure of consultation "in case the

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18. Quoted by R. Alfaro, op.cit., p. 95

peace, security or territorial integrity of any American republic is threatened..." This was the Declaration of Lima.

This was the achievement of the Lima Conference for regional security despite the bankruptcy of the League and the fiasco of Munich. Once more it was Argentina which resisted any effective measures toward implementing the policy of continental solidarity enunciated at Buenos Aires. Argentina had no desire to sever her commercial, cultural and ethnic ties with Europe, and this explains to a great extent the rejection by Argentina and others of the United States effort to impose its neutrality legislation on Latin America at Buenos Aires. Consequently, Argentina strongly opposed the isolationist regionalism put forth by the United States, which, in effect, was aimed at "quarantining" crisis plagued Europe and reorienting the economy and politics of Latin America northward.

The attempt to isolate the Americas from the European war reached its epitome in the fantastic "Declaration of Panama" adopted by the First Meeting of Ministers of Foreign Affairs in 1939. The Declaration set up a "neutrality zone" from 300-1000 miles around the Western Hemisphere south of Canada. This "chastity belt" was to be kept "free from the commission of any hostile acts by any non-belligerent nation". This Declaration was immediately rejected by all belligerents as a violation of the freedom of the seas and of belligerent rights. After proclaiming their neutrality, the American republics created an emergency Inter-American Financial and Economic

Advisory Committee and an Inter-American Neutrality Committee to meet the special economic and juridical problems arising out of the war. The fore-mentioned bodies were discussed more completely in Chapter II.

Continental solidarity moved a step further at the Second Meeting of Foreign Ministers at Habana in July 1940. The fall of France and the Low Countries and increasing Axis influence in Latin America revealed the inadequacy of pious neutrality and the necessity for hemispheric measures for defense and security. In order to prevent the French, Dutch and Danish dependencies from falling into Axis hands, the Act of Habana and the Convention on the Provisional Administration of European Colonies and Possessions in the Americas reaffirmed the traditional no-transfer rule of the Monroe Doctrine thereby making it a joint responsibility of the twenty-one republics.

The Act set up an emergency committee to function prior to the ratification of the Convention to forestall any attempted transfer of sovereignty, and in the event of extreme urgency, individual or joint action by any of the American republics was authorized. The Convention, which was to come into effect after two-thirds ratification by the signatory states, created an Inter-American Commission for Territorial Administration which was to exercise a provisional administration over these regions for the peace and security of the Continent and the economic, political and social progress of the area in question. Fortunately, the need did not arise for the use of this machinery.

The resolution on Reciprocal Assistance and Cooperation for the Defense of the Nations of the Americas, known as the Declaration of Habana, was another link in the formulation of Pan American political solidarity. The Declaration (XV) stated,

> "That any attempt on the part of a non-American State against the integrity or inviolability of the territory, the sovereignty or the political independence of an American State shall be considered as an act of aggression against all the American States".

This was the logical outcome of the Consultative Pact and Solidarity Declaration of Buenos Aires and the Lima Declaration. A few weeks after the Habana Meeting, Canada and the United States concluded the Ogdensburg Pact which rounded out the inter-American system of hemisphere defense.

The Third Meeting of Foreign Ministers was held in Rio de Janeiro in January, 1942. After reaffirming the Habana Declaration, the American republics recommended the breaking of diplomatic relations with the Axis. Continental unity was not achieved on this point until Chile and Argentina severed relations with the Axis in January of 1943 and 1944 respectively. Political defense and hemisphere security were the vital issues confronting the Republics. The Inter-American Defense Board, composed of army, navy and air experts of all the Governments, was set up in Washington to consider problems of military defense. The Emergency Advisory Committee for Political Defense, set up at Montevideo, was entrusted with the important task of combating the ideological warfare being waged by the Axis through subversive propaganda, espionage and

sabotage.

The Third Meeting, recognizing that political unity depends on economic unity, recommended that the Republics sever commercial and financial contacts with the Axis and enlarged the functions of the Financial and Economic Committee by charging it, among other things, with the planning of measures for the total mobilization of all resources for the common war effort. The Inter-American Bank, and Development Commission were also created to promote closer wartime economic collaboration. The Inter-American Juridical Committee, which succeeded the Neutrality Committee, was charged with the study of legal problems arising out of the war, the codification of law, and was to operate in the broad field of international law and relations in the light of postwar conditons.

Act of Chapultepec

The political solidarity of the Americas which had been slowly crystallyzing since the 1936 Buenos Aires Conference, reached its logical and inevitable outcome in Resolution VIII of the Mexico City Conference on the Problems of War and Peace, the Act of Chapultepec. From the aspect of inter-American security and solidarity the Act filled in two important gaps: provision was made for specific sanctions, including the use of armed force against an aggressor, and this was made applicable to an American state as well as a non-American state. These are far-reaching and historic innovations in the modern Pan American movement.

From the Buenos Aires Conference of 1936 to the Third Meeting of Ministers in Rio, 1942, the vague and intangible element of continental responsibility for the maintenance of peace through a procedure of consultation had been the alternative to the use of sanctions. In addition, by declaring that the security and the solidarity of the Republics are affected to the same extent by threats within as well as outside the continent, the American states extended the Declaration of Habana (XV) to all international attempts at aggression. It is hardly strange, therefore, that the Act of Chapultepec was originally introduced by the Republic of Colombia, a traditional advocate of a regional security system with "teeth."

The Colombian resolution on aggression against hemisphere nations, submitted to the Mexico City Conference on February 24, 1945, was aimed directly at the aggressive actions of the Farrell-Perón dictatorship near the Chilean and Uruguayan borders.[19] The resolution was redrafted by the United States, which was faced with the dilemma of strengthening inter-American solidarity, but as the host and a sponsoring Power at the impending San Francisco Conference, was fearful that such a pact as proposed by Colombia would endanger the Dumbarton Oaks proposals (October 1944) by setting a precedent for regional arrangements thereby emasculating the cause of universality and the competence of the proposed world security

19. New York Times, February 25, 1945.

council. Furthermore, in its original form, the Colombian proposal made obligatory a mutual and indefinite guarantee of hemisphere boundaries. A permanent commitment of this nature could not be undertaken by the United States without Senate approval.

Consequently, a compromise was put forth by Senator Austin, an adviser to the American delegation, which neatly separated the wartime guarantee under Presidential wartime powers from the postwar guarantee which would require Senate ratification. Part I of the Act (point 5) avoids the necessity of United States Senate approval by declaring,

> "That during the war, and until the treaty recommended in Part II hereof is concluded, the signatories of this Act recognize that...threats and acts of aggression... constitute an interference with the war effort of the United Nations, calling for such procedures, within the scope of their constitutional powers of a general nature and for war..."

Part II recommends that the Act be placed on a treaty basis upon the termination of the war, in accordance with the respective constitutional processes of the American Republics. Part III states that the declaration and recommendation of Parts I and II constitute a regional arrangement for the maintenance of peace and security consistent with the purposes and principles of the proposed international organization.

The Act has been acclaimed as an historic achievement in the cementing of inter-American political unity and in the words of Senator Connally "an epochal document, which shall mean peace and security in the Western Hemisphere for years to come and a great influence toward guaranteeing that aggression

and conquest shall be chained..."[20] In many respects the Act Chapultepec constitutes a return to the Bolivarian concepts of Pan Americanism; a political association of nations, regional in essence but universal in outlook.

The Proposed Rio Conference: Hemisphere Defense

The proposed Inter-American Conference for the Maintenance of Continental Peace and Security, known as the Rio Conference, is contemplated for the purpose of putting the Act of Chapultepec on a peace basis through a complete and efficacious mechanism for hemispheric defense. The Rio Conference has been delayed since the end of 1945 for reasons to be discussed below. At the present time several sample defense plans have been submitted for consideration at the impending Conference by various American states.[21]

Difficulties: United States - Argentine Relations

By far the most serious obstacle in the way of hemisphere defense pact has been the rift in Argentine-United States relations, especially during the past few years. It is not within the scope of this section to present the background necessary for an impartial appraisal of the present antagonism between these two powers.[22] Simply stated, the United States refuses to participate in the negotiation of a

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20. Quoted by S. Canyes, "The Inter-American System and the Conference of Chapultepec", American Journal of International Law, July 1945, p. 511
21. P.A.U., Inter-American Conference for the Maintenance of Continental Peace and Security, Rio, (Washington) 1946 pp 143
22. For a general survey of United States-Argentine relations see, C.H. Haring, Argentina and the United States, 1941 pp71
For an authentic interpretation of contemporary United States-Argentine relations see, Sumner Welles, Where Are We Heading? 1946 pp 397.

mutual assistance pact with Argentina until that Government, through deeds and not promises, carries out the commitments made at Rio and the Mexico City Conference (Final Act) to eliminate Axis influences and activities.

The State Department policy, as regards Argentina and a hemisphere defense treaty, was circulated among the other American republics on April 8, 1946. In a seven point statement, the Department explained the necessity of making public the charges made in the "Blue Book", stressed the need of a mutual defense treaty which would include Argentina as an "indivisible" part of the Americas, and called for positive acts to implement Argentina's "solemn commitments under the inter-American system" to eliminate Axis influences from this Hemisphere which threaten the security of the inter-American system. Officially this American policy toward Argentina remains unaltered. However, recent events indicate that the United States is willing to relax the unequivocal demands made in the April 8th statement.

In the first place, the United States has appointed a new ambassador to Buenos Aires who is more favorably inclined to the Peron regime. Furthermore, since the military commitments undertaken by the United States in the Act of Chapultepec terminate with the expiration of the War Powers Act, high governmental officials have recognized the urgency of putting Pan American solidarity on a secure and permanent basis through the negotiation of a hemisphere defense treaty.

At the Cleveland Council of World Affairs held in

January of 1947, former Secretary of State Byrnes, in discussing the Argentine situation and hemisphere defense, asked for only "reasonable and substantial compliance" with United States demands. At the same Council, Senator Vandenburg asked for the long-awaited Rio Conference, saying that "there is too much evidence that we are drifting apart".

Perhaps equally as serious is the detrimental effect which the delay has had on the inter-American system as a whole since Conferences are a principal media through which the system functions. There has not been a regular Conference in almost nine years or a Meeting of Ministers in five years. The Mexico City Conference, which was convened as a diplomatic conference of "united and associated American states cooperation in the war effort", excluded Argentina and was not one of a regular series of Pan American assemblies. Furthermore, it was a circumvention of the consultative machinery legitimately invoked by Argentina which requested a Foreign Ministers' Meeting to substantiate its claim to a fulfillment of inter-American obligations undertaken at Rio.[23]

Many of the Latin American countries want the Conference called and feel that the growing pressure for getting on with hemisphere defense plans seems more important than holding Argentina to the full compliance with the unilateral requirements of the United States. However, from the general nature of the sample defense plans submitted by many of the

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23. Christian Science Monitor, November 9, 1944

Latin American republics, it would appear that hemisphere defense is dependent upon the willingness and ability of the United States to implement any treaty written at Rio by rendering assistance to the Latin American defense programs. This in turn is dependent upon a fundamental change in the United States policy toward Argentina between 1943 and 1946 which in the words of Sumner Welles,

> "has promoted discord within the American family of nations, gravely undermining the inter-American solidarity which proved itself at the time of Pearl Harbor and grew stronger during the months when the New World became involved in war. It has shown itself to be a factor of such sorrosive force that its work of disintegration, even if now arrested, may leave its traces for many years to come".[24]

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24. Sumner Welles, op.cit., p. 186

CHAPTER IV

INTEGRATION

The Mexico City Conference of 1945, coming as it did after the Dumbarton Oaks proposals but before the San Francisco Conference, was unable to define the specific relationship of Pan America vis-a-vis world organization. It is the purpose of this chapter to consider that relationship as regards international organization in general, regionalism and universalism, the inter-American system and the League, and the inter-American system and the United Nations.

Regionalism and Universalism (in general)

One of the most perplexing problems confronting the political scientist and the statesman is the delimitation of the scope of any political or administrative authority. All approaches to the problem of establishing international organization and permanent world order recognize, more or less, the need for reconciling universality and regionalism. Two questions are involved here: from the political aspect, the maintenance of peace and security; from the administrative aspect, functional cooperation in non-political matters. One point is clear; in an interdependent and shrinking world it is sheer naiveté to attempt a clear-cut delimitation of universal and regional competence by assigning to the former political

functions and delegating to the latter non-political cooperation. The following are some of the more cogent arguments offered in favor of regional associations.

In the first place, the element of propinquity itself facilitates a broader understanding of peoples through commercial and cultural intercourse. Furthermore, the nature of a particular problem may be of interest only to the people of a certain geographic area thereby requiring regional competence only. Finally, and most important of all, the lessons of experience indicate that a regional political organization is more willing to observe obligations for the maintenance of peace in its own area than undertake police responsibilities of a global nature.

Opposition to this restricted interpretation of regionalism is expressed with the following contentions. To begin with, regionalism is difficult to define. Shall the basis for such organization be geographic, historic or economic? In addition, the interdependent nature of the world economy rejects any policy of autarchy, be it national or regional. Furthermore, any concept of regionalism as a guarantee of military security ignores the realities of modern warfare. "Locarnos", by themselves, are anomalous in an age of atomic energy. There is also the possibility that rivalries may spring up between groups leading to a regional balance of power and inter-regional wars. Finally, and this is the heart of the argument, regionalism weakens the competence of universality, since, in the words of Aristide Briand, "There is not one peace for America, one peace for Europe and another for Asia, but one

peace for the entire world."

The question at once arises, what is the nature of peace? It has been a popular misconception to think of peace as a purely negative factor indicating the absence of war and the maintenance of the status quo. But "peace" in its broader and positive sense must consider life as dynamic and change inevitable. Permanent world order based on international law can only be realized by providing for the social and economic well-being of nations. Consequently, it is through a political, legal, economic and social approach to peace that a clearer insight into regionalism and universalism (in general) may be obtained, thereby permitting a more specific consideration of the problem of the relationship between Pan America and world organization.

From a political aspect, the fundamental responsibility for the maintenance of peace and security rests with the universal authority. However, regional associations may indicate a readiness to assume obligations in their respective areas through certain agencies and arrangements thereby maintaining conditions which prevent the necessity of world-wide enforcement action. The distribution of world power and military technology precludes the possibility, with a few exceptions, of conceding enforcement responsibility to agencies of regional competence. Clyde Eagleton, distinguished international lawyer, has said that,

> "All the lessons of human experience point toward the necessity of an international organization which would

> reserve to itself the monopoly of the use of force, and forbid to any nation (or group of nations) the right to use force for its own purposes. To do this requires an overwhelming force, a force which can only be supplied by the combination omnium contra unum--of all law-abiding states against the lawbreaker."[1]

Just as international security is a prerequisite for a society of nations, that society presupposes the existence of and respect for law. In the words of Charles G. Fenwick:

> "As between citizens, so between nations, the repression of violence must be the paramount obligation of the international community, to which all others are subordinate. The old right of each nation (or group) to be the judge in its own case must be definitely repudiated; ...Under no circumstances must a nation (or group) be permitted to take the law into its own hands; and if it should do so, it must find ranged against it the organized community of nations which will see in its act of violence an attack upon the principle of law and order and, therefore, an attack upon each member of the community individually."[2]

In a similar vein, Quincy Wright has maintained that the obligatory pacific settlement of international disputes is one of those problems especially requiring universal competence. "Regional international authorities should be subject to at least judicial control by a universal authority in order to solve conflicts of jurisdiction, and to prevent usurpation of authority."[3] The sole justification for the existence of regional courts would be the limitation of its jurisdiction to those controversies arising out of the particular law binding on the members. In this way, the supremacy of the world court would be ensured.

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1. Commission to Study the Organization of Peace, Preliminary Reports and Monographs, April 1941, p. 282
2. Ibid., p. 182
3. Ibid., p. 260

The most notable achievement of the League of Nations was in the field of non-political cooperation or as it may be called, functional internationalism. Social justice and economic progress, although in many instances largely a national or regional problem, require universal treatment. Modern technology and its by-product, total war, indicate that the economic and social well-being of all peoples everywhere is peculiarly interdependent. In the past such functional internationalism has been hampered by the need of universal consent. The League Council asked Stanley Bruce, Chairman of the League Committee for the Coordination of Economic and Financial Questions, to submit a report of those measures which would promote the participation and cooperation of all nations in the technical work of the League. The Bruce Report declared:

> "...Modern experience has also shown with increasing clearness that none of these problems (social and economic) can be entirely solved by purely national action...The world for all its political severance, is growing daily closer knit...At the same time the constituent parts of the world, for all their diversity of political outlook, are growing in many respects more similar; agricultural states are becoming rapidly industrialized, industrial states are stimulating their agriculture...These changes inevitably give rise to new problems that can only be solved by joint effort..."[4]

The emergence of ad hoc functional agencies during the war was facilitated by their non-political administrative nature. Coordination and integration on a universal level are necessary for an efficacious and unified international civil service. The conclusion is that regionalism is an important

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4. Quoted by C.J. Hambro, How To Win the Peace, p. 28

and vital factor in international organization but must embrace the federal principle, as that term is used in a legal sense. Universality is fundamental in an interdependent world but must not assume a super-state character until the traditional concepts of national sovereignty are altered through an evolutionary process.

The Inter-American System and the League of Nations

Pan American participation in world politics dates from the second Hague Conference of 1907. Although Mexico and the United States were the only American states present at the first Hague Conference held eight years earlier, the Third Pan American Conference meeting in Mexico City in 1901 accepted the principles on the pacific settlement of dispute adopted at The Hague. All the American Republics, with the exception of Costa Rica and Honduras, were present at the second Hague Conference. Aside from the enlightened attitude taken on the rules of warfare and their general support of obligatory arbitration, the most important item for the American Republics at The Hague was the Drago Doctrine which opposed the use of armed force for the collection of debts.

This question had come into focus in the Venezuelan affair of 1902-1903 when England, Germany and Italy were prepared to employ concerted action against that country for the recovery of debt. The American Republics, realizing the universal aspect of the issue, referred the matter to The Hague conference. The Doctrine was accepted in modified form by the

conference but with significant reservations by many of the Latin American states.

As a result of the World War,[5] Latin America became an active participant in international relations and organization. Although but 13 of the republics either broke relations or declared war on Germany, the general effect was a re-awakening of Bolivarian ideals and a keen consciousness of their new role in the family of nations.

Eventually all of the American Republics with the exception of the United States became members of the League of Nations. The significance of this regarding the relationship of the inter-American system vis-a-vis Geneva (1920-1939) can only be appreciated through a consideration of the motives behind Latin American entrance into the League.[6] For although the refusal of the United States to shoulder its responsibilities in the world organization is the fundamental factor in defining the relationship between the two bodies, the attitude assumed by the Latin-American states merits some attention. Vital interests were not the reasons for Latin American entry into the League. On the contrary the American republics were impelled by Bolivarian tradition, Wilsonian idealism, prestige and the protection afforded by Geneva against possible encroachment by the United States.

Only Peru and Bolivia had special reason for entering the League. Both had high hopes of using the League influence

5. For the attitude of Latin America toward the World War see, P.A. Martin, Latin America and the War, 1925 pp 582
6. See, W.H. Kelchner, Latin American Relations with the League of Nations, 1930, 207 pp

against Chile for a revision of the Treaty of Ancón and a settlement of the Tacna-Arica dispute. Kelchner has said that, "The absence of important interests explains very largely the inconstancy of the cooperation by many Latin American nations."[7] The withdrawal of Brazil in 1926, the lack of interest on the part of Argentina since the First Assembly, the absence of Mexico and the apparent lack of enthusiasm on the part of Latin America in general explain in no small way the independent position of Pan America vis-a-vis Geneva.

The reluctance on the part of many Latin American states to bring purely inter-American problems before the League was naturally influenced by the Monrovian regional isolationism of the United States. In the political sphere United States attitude toward the League was reflected in Article XXI of the Covenant which declared that "nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration, or regional understandings like the Monroe Doctrine, for securing the maintenance of peace." However, in 1920 the Doctrine was neither an international engagement or a regional understanding but a unilateral declaration of policy by the United States. It is obvious then that the Monroe Doctrine at that time could not serve as a basis for the regional decentralization of the League.

Moreover, the absence per se of the United States made integration of the systems most difficult. The United States

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7. Ibid., p. 6

took the uncompromising position of quarantining the League as an essentially political institution while at home opposing Latin American efforts to bring about continental solidarity through an American league of nations. Officially the United States pointed to the non-political nature of the P.A.U. (1928 Convention), which prevented cooperation with Geneva in the latter's political activities. The inadequacy of American peace machinery in the Leticia incident and the Chaco War accounted for the direct efforts made by the League for the settlement of these disputes. In the latter conflict, the long-drawn out and bloody war which finally ended through sheer exhaustion of both parties, is another indication of the failure of the inter-American system to integrate itself with Geneva.

The contradiction between the two systems was further aggravated at the 1936 Buenos Aires Conference. The United States attempt to impose its newly enacted neutrality legislation on Latin America was rejected as incompatible with the obligations assumed by the latter as members of the League under Article XVI of the Covenant. Inspired by the Bolivarian tradition of the universal nature of peace, the Latin American bloc led by Argentina refused to accept the United States policy for "continental isolationism".

The Colombian-Dominican project for the creation of an American Association of Nations went as far as defining an aggressor and enumerating specific sanctions. This idea of an

"American League" was in no way considered by its supporters as inconsistent or incompatible with the purposes of the universal organization. There is the possibility that a regional league with political functions might have resulted in effective collaboration with Geneva.

Actually, the only cooperation of any significance between Pan America and the League has been in the non-political regional activities of the latter. This has occurred in two fields, intellectual cooperation and labor. With respect to the first of these fields, the Division of Intellectual Cooperation of the Pan American Union, which had been developing since 1922, received its present name in 1928. A few years later National Committees on Intellectual Cooperation were authorized, and the 1936 Buenos Aires Conference recommended that all the American Republics appoint such Committees "in order that said Committees may establish contact with other such national groups, and with the Division of Intellectual Cooperation of the Pan American Union at Washington, and the International Institute of Intellectual Cooperation at Paris". The Paris Institute had been set up originally in 1922 as a League organ and was called the Committee on Intellectual Cooperation. Although situated in Paris (1926) and largely supported by the French Government, the Institute is an international agency whose officials have included nationals of many countries.

Two American Conferences of National Committees of Intellectual Cooperation were held at Santiago de Chile in 1939

and Habana in 1941. This type of functional internationalism recognized the need for a broad and mutual understanding between all nations, in art, music, science, literature and education.

Inspired by the provisions in the Treaty of Versailles dealing with labor and the newly created International Labor Organization, the Santiago Conference of 1923 was the first Pan American conference which gave special consideration to problems of labor. A Permanent Commission was set up for the purpose of cooperating with the P.A.U. in the study of all matters relating to the international organization of labor in America. Labor and social problems were not discussed again until the Sixth International Conference held at Montevideo in 1933. At this Conference, Mexico introduced a project for an Inter-American Labor Institute which was patterned closely along the lines of the International Labor Organization and was to cooperate with that body. The proposal was approved but did not come into effect. The reason was that a year later the United States joined the International Labor Organization and in 1936 a regional conference of that body was held at Santiago de Chile.[8] Another conference was held at Habana in 1939 and pledged "the unwavering support of the governments and the peoples of the American continent for the continuance with unimpaired vigour of the efforts of the International Labor Organization to accomplish its high purpose of achieving social

8. An account of this Conference may be found in International Labor Review, Vol. 33, p. 479

justice".[9] In 1940, the P.A.U. established a Division of Labour and Social Information which was to collaborate with the International Labor Organization.

During the same year the Director of the International Labor Organization and the President of Peru convened a meeting of social security administrators in Lima which drew up a statute for an Inter-American Committee on Social Security. The Committee acts as the permanent commission of periodic Inter-American Conferences on Social Security and promotes cooperation among the member governments in this field. The First Inter-American Conference on Social Security was held at Santiago in 1942. In addition to Canada, which had been represented at the previous regional International Labor Organization conferences, representatives were present from the International Labor Organization, the Pan American Sanitary Bureau and the Inter-American Institute for the Protection of Childhood. The First Conference decided to create a permanent cooperative agency to work with the International Labor Organization.

With the exception of intellectual interchange and cooperation in the field of labor and social security, the position of Pan America vis-a-vis Geneva was one of complete independence. The League Secretariat and the Pan American Union scarcely recognized each other. Proposals were made at Montevideo in 1933 and Buenos Aires in 1936 to give greater

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9. Quoted by J. Humphrey, The Inter-American System: A Canadian View, p. 251

scope to the increasing functions of the P.A.U. through co-operation with international organizations. In addition, the suggestion was made at Montevideo Conference that an official observer from the League be invited to attend the Pan American Conferences. The Report of the Governing Board submitted to the Lima Conference dealt with the foregoing questions.[10]

The Report defined the relationship between the inter-American system and the League by characterizing the latter as a predominantly political body entrusted with the maintenance of international peace and security, whereas,

> "The Pan American Union, on the other hand, was established for the purpose of developing a spirit of cooperation amongst the nations of the American continent in the sphere of economic, legal, social and cultural relations, and to provide the American republics with a permanent administrative office in the furthering of these objectives."[11]

Because of the fundamental nature of the League and the prohibition of political functions to the P.A.U., the Report was unable to recommend cooperation with Geneva in its political activities. This, clearly, was an evasion of the real issue involved, namely, shall the P.A.U. be assigned political functions?

The parallel but independent development of political and non-political activities has not permitted the Pan American System to readjust itself to changing conditions, both at home and abroad. The prohibition of so-called "political" functions

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10. Report of the Governing Board to the Lima Conference, (Octova Conferencia Internacional Americana, Diario de Sesiones, Lima, 1939) pp 129-132
11. Quoted by J. Humphrey, op.cit., pp 246-247

to the Governing Board was difficult to reconcile with the increasing scope of the Pan American Union in preparing the predominantly "political" agendas of the Seventh, Eighth and 1936 Buenos Aires Conferences and the necessity for coordinating the complex inter-American peace machinery.

The Lima Conference accepted the Report and adopted a Resolution on Relations of Pan America and other International Organizations. The Resolution declared that cooperation with other international organizations was of value, both to the inter-American system and the international body with which such cooperative relations may be established. The P.A.U. as well as other American agencies were authorized to cooperate with international bodies in other parts of the world, "within the limits imposed by their organic statutes and without affecting the integrity of the international organization of the twenty-one American Republics". In addition, it recommended that Pan American organizations make available to other international bodies the information they have at their disposal, exchange points of view, and coordinate their research in economic, cultural, social and juridical fields. In other words, the Resolution recommended cooperation with the League in <u>non-political</u> fields only.

Regarding the question of observers, the Conference held that since the sessions of American conferences have been public since 1928, and because the American states "have no interest in the participation in this essentially continental work of countries that are not linked by the ideal of Pan

Americanism",[12] official observers are to be excluded.

While it is true that the Lima Conference, meeting in the shadow of Munich, could hardly consider any collaboration with a bankrupt Geneva, nevertheless, it must be emphasized that the attitude taken at the Conference was merely a restatement of the position assumed by Pan America toward the League since 1920. This position, on a plane of full parity with Geneva, was determined to a great extent by the highly isolationist policy of the United States, and was a contributing factor to the failure of the League and collective security. With the outbreak of war in Europe a further attempt was made to isolate the Americas by creating a "neutrality zone" at the Panama Meeting of Ministers. It is therefore rather curious that only a few months later the Chief of the Division of International Conferences in the United States Department of State was able to say that,

> "The Americas in developing their organization have in no sense adopted a policy of continental isolation...There is nothing in this regional organization that is inconsistent with world organization...Should there be effective regional organizations, a world system of cooperation (italics mine) would then only be required to devote its energies and its efforts to those universal problems which affect all nations".[13]

The Inter-American System and the United Nations

The Monrovian continental isolationism imposed by the United States on the Western Hemisphere determined to a great

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12. Ibid., p. 249
13. W. Kelchner, "The Relation of the Union of American Republics to World Organization", Department of State Bulletin, Vol. II no. 30, p. 62

extent the independent position of Pan America vis-a-vis the League of Nations. This regional isolationism began to disappear as the political solidarity of the Americas increased. The universal principles enuncated in the Atlantic Charter were received with great enthusiasm in Latin America as the platitudes of international life completely in harmony with Bolivarian sentiments. The United Nations Declaration signed by all the nations then at war with the Axis--including ten American Republics--affirmed their adherence to the ideals of the Atlantic Charter for "a peace which will afford to all nations the means of dwelling in safety within their own boundaries" and for the "establishment of a wider and permanent system of general security".

At the Rio Meeting of Ministers, held immediately after Pearl Harbor, the Inter-American Juridical Committee was charged with the study of legal principles arising out of the war in accordance with which the American Republics will cooperate with other nations in the maintenance of law and order. By 1942 the problems of postwar peace and security organization were being given paramount consideration by the governments of the principal United Nations. By the middle of 1943, military developments made it apparent that victory for the United Nations was only a matter of time. Public opinion in the United States was moving strongly in support of the participation of that country in an international security organization. This trend toward the acceptance of international responsibility was expressed under Congressional leadership

in the Fulbright, Ball-Burton-Hatch-Hill, and Connally Resolutions. Isolationism in the United States received a further setback when the Republican Party adopted the historic Mackinac Declaration in September of that year (1943).

The Moscow Declaration of October 30, 1943, emphasized,

> "the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security."

The Moscow Declaration was reaffirmed at Cairo and Teheran, and accentuated the difficult question of the relation of regional arrangements to the world organization. During the summer of 1944, the American, British, Chinese and Soviet Governments exchanged drafts outlining a proposed international organization. These documents constituted the basis for the Dumbarton Oaks conversations held in Washington, from August 21 to October 7, 1944.

The Dumbarton Oaks Proposals made specific provisions for regionalism in contrast to the ambiguous treatment given to this problem under Article XXI of the League Covenant.[14] The primary importance of the principles of regional relationship is one of security; therefore, these principles are dealt with in the chapter on arrangements for the maintenance of international peace and security, including the prevention and suppression of aggression. However, in Chapter IX provision

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14. Dumbarton Oaks Proposals, Chapter VIII Section C, Regional Arrangements, Par. 1-3

is made for cooperation by regional agencies in economic and social matters.

The regional aspects of the Oaks Proposals are dealt with in four rules: The first rule states that,

> "Nothing in the Charter should preclude the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided such arrangements or agencies are consistent with the purposes and principles of the Organization."

This does not preclude the negotiation of special security arrangements or treaties providing they are in harmony with the purposes and principles of the world organization.

A second rule declares that "The Security Council should encourage settlement of local disputes through such regional arrangements or by such regional agencies, either on the initiative of the states concerned or by reference from the Security Council." This rule recognizes the expediency of resolving local controversies through regional machinery.

Rule three states that, "The Security Council should, where appropriate, utilize such arrangements or agencies for enforcement action under its authority, but no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council." This is the coercive aspect of the security problem which attempts to integrate the regional and universal security systems for "enforcement action". Provision is made for regional application of enforcement through the authorization of regional sub-committees of the Military Staff

Committee.[15] However, if necessary, action on a universal basis is assured. This rule raised the interesting possibility of using the Inter-American Defense Board as a sub-committee of the Military Staff Committee.[16]

The fourth and final rule set down under the regional arrangements of the Oaks Proposals declares that "The Security Council should at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security." This was intended to preserve a close liason between the region and the world organization in order that the latter may judge the consistency of the plans and activities of the former with the purposes and principles of the universal body. By requiring full information from the regional bodies, the Security Council is in a better position to estimate the extent to which such bodies may be relied upon in dealing with problems that may arise.

Certain conclusions may be drawn from the regional aspects of the Dumbarton Oaks Proposals. First of all, the Proposals assume that, since peace is indivisible, a threat to or a breach of the peace anywhere concerns all states. However, enforcement responsibilities must be measured by the needs of a particular case. Furthermore, the possibility of a universal

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15. Ibid., Chapter VI Section D, Par. 2
16. See, W.R. Sharp, "The Inter-American System and the United Nations", Foreign Affairs, April 1945, pp 450-464

approach to the problem of peace and security is essential for the establishment and maintenance of permanent world order. Finally, the Proposals strengthen the Inter-American System through a realistic recognition and allowance for the utilization of regional arrangements for the settlement of disputes arising within the Western Hemisphere. In other words, the Proposals met the issue of the relationship between regional arrangements and a general international organization by recognizing the value of the former and at the same time establishing the primacy of the latter; the relationship was one of coordination, integration and subordination, not cooperation.

During the war studies relating to international organization and inter-American arrangements had also been in progress in the Latin American Republics. A diplomatic consultation of Latin American states took place outside of the inter-American system for the purpose of discussing the Oaks Proposals.[17] The Argentine Government was not recognized by the American Republics and was excluded from the meetings. The consultation provided the opportunity for a consideration of various points raised by each government. A Committee of Coordination was appointed-not a Pan American organ-to prepare a report summarizing the views of the Latin American Governments regarding the Dumbarton Oaks Proposals.

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17. Department of State Bulletin, Vol. XI October 29,1944 p.525
November 12,1944 p.565
December 31,1944 p.849

At the Mexico City Conference, Commission II--on the Dumbarton Oaks Proposals--was entrusted with the task of coordinating Latin American opinion on world organization.[18] In order to understand the attitude taken by Latin America toward the Proposals and the Act of Chapultepec, mention must be made of an important event which took place just ten days before the opening of the Mexico City Conference. The reference is to the proposal submitted by President Roosevelt to the Soviet Union and Great Britain at the Crimea Conference in February, 1945, which decided the issue of the voting procedure in the Security Council.

The Yalta voting formula as approved by the "Big Three" and later by China and France, provided that the principle of unanimity apply to procedures of pacific settlement but that any party to a dispute must abstain from voting. In addition, the rule of unanimity was to apply to decisions of the Security Council as regards enforcement action. The Yalta voting formula was made public during the Mexico City Conference and was responsible for the Latin American position taken there in regard to the Dumbarton Proposals, and the Act of Chapultepec, and was carried over to the San Francisco Conference itself.

The Latin American Republics at Mexico City understood the realities of the world situation and the necessity that

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18. See, Diario de la Conferencia Interamericana sobre Problemas de la Guerra y de la Paz, March 5, 1945 No. 11, 2nd section

power control should rest with those states capable of undertaking security responsibilities. However, the Republics believed that the special voting rights of the great powers in the Security Council--the so-called veto--might result, not only in the inability of the Council to take jurisdiction of situations endangering the peace, but might nullify the arrangements of the American regional system which is based on the equality of states. The Latin American Republics asked for greater representation on the Council--one permanent seat--claiming that the United States cannot speak for the Western Hemisphere because of different national characteristics. There was support for the suggestion that any action of the Security Council should be subject to revision and approval of the Assembly. In general, Latin America wanted to strengthen the Assembly where she would constitute a strong bloc against the "Great Power" veto Council.

On the other hand, the United States delegation at the Mexico City Conference viewed the Oaks Proposals in a different light. The United States was faced with a dilemma. She wanted to strengthen the inter-American system but, as host and sponsoring Power at the impending San Francisco Conference, did not want to endanger the Oaks Proposals with which she had closely identified herself. A diplomatic solution was found in the Resolution on the Establishment of a General International Organization.[19] The Resolution after stating that,

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19. Resolution XXX from the Final Act

> "...The tradition of universal cooperation, that has consistently inspired the inter-American system into which such principles have by now been definitely incorporated, has struck deeper roots and gained in strength due to the interdependence of the nations of the modern world which makes peace indivisible and the welfare of one country conditional upon that of all the others...those Republics desire to make their full contribution, individually and by common action in and through the inter-American system, effectively coordinating and harmonizing that system with the General International Organization for the realization of the latter's objectives...",

recommended that the Secretary General of the Conference transmit to the San Francisco Conference, the report of the Latin American views regarding the Oaks Proposals and suggestions on world organization. Furthermore, the Resolution enumerated seven points representing the consensus of Latin American opinion on the Proposals. Of these the more significant indicated a desire on the part of Latin America for adequate representation on the Security Council, a strengthened Assembly and the utilization of regional methods and procedures for the solution of inter-American controversies. In this way, the Resolution permitted the Latin American Republics to express their views and defer the discussion to San Francisco.

A similar compromise was reached on the resolution adopted at Mexico City which became the Act of Chapultepec. Introduced by the republic of Colombia, the Act in its original form would have guaranteed collective action against any aggression in the Western Hemisphere, indefinitely. The United States fully shared the desire of the Latin American Republics to strengthen the political solidarity of the Pan American system but was fearful that such a pact of mutual assistance would set a

precedent for regional agreements thereby proving detrimental to the cause of universality and the competence of the Security Council. However, the Act in providing for a postwar treaty guaranteeing the wartime declaration, failed to solve the relationship between the regional security system and the world security system as regards the prevention of disputes and the enforcement of peace. This was the problem confronting the San Francisco Conference.

The United Nations Conference on International Organization which met on April 25th, 1945, in San Francisco, was faced with the problem of how to make the fullest use of regional arrangements for the settlement of local questions without emasculating the authority or prestige of the universal security organization. This issue was finally resolved after a two week crisis in mid-May.[20]

Three factors added significance to the problem of integration. The inter-American system which had been strengthened at Mexico City through the resolution on reorganization of the P.A.U. and the Act of Chapultepec, had a special interest in the preservation of Pan American peace machinery and regional arrangements for enforcement action. Another factor was the League of Arab States, formed in March of 1945, which manifested a similar interest in regionalism. Finally, several European countries had made bilateral alliances since 1942, which were concerned primarily with the problem of

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20. New York Times, May 9-21, 1945

military security in the event of future aggression on the part of Germany or other enemy states.

The San Francisco Conference adopted three principal modifications of the Dumbarton Proposals, in order to meet the desires of the various amendments submitted to the Conference. The modifications of the numerous amendments dealing with regional arrangements may be discussed under these headings; pacific settlement, mutual assistance pacts and defense.

In regard to procedures for pacific settlement, the phrase "resort to regional agencies and arrangements" was introduced in Paragraph 3 of Chapter VIII, Section A of the Oaks Proposals (Article 33 of the Charter) as a specific means available to members of a regional community. A further extension of the Oaks Proposals in encouraging the utilization of regional methods for the pacific settlement of local disputes was the addition of a sentence in Chapter VIII, Section C, Paragraph 1 (Article 52 of the Charter) which pledges member states entering into regional arrangements to "make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council".. Furthermore, it was stated that the foregoing provision "in no way impairs the application of Articles 34 and 35". The former Article empowers the Security Council to investigate any dispute, or any situation which may lead to international friction, and the latter Article provides that any state may bring to the attention of the Assembly or Security Council any dispute or

any situation of the nature referred to in Article 34.

These modifications had special significance for the so-called "regionalist" approach to procedures for pacific settlement. The "regionalist" bloc of the American Republics at the Conference was supported by pressure from the Latin American countries and the United States Senate. This bloc desired that the inter-American system be permitted the fullest possible utilization of peace machinery in the event of local disputes without Security Council interference. This could be accomplished, it was argued, by having the Council authorize the Pan American system to deal with local disputes in accordance with the principles and purposes of the world organization until the former is requested by the American states to take over these disputes. The foregoing modifications encourage regional means of pacific settlement while, at the same time, recognizing the paramount authority of the Security Council to determine, at its own instance or at the request of a member or non-member state, whether the dispute endangers international peace, or to take other measures should local methods fail to settle the controversy.

The problem of integrating the special mutual assistance pacts within the framework of the Charter was disposed of by amending Chapter VIII, Section C, Paragraph 2 of the Oaks Proposals. This provision, which became Article 53 of the Charter, recognizes the validity of the European security agreements against any renewal of aggression on the part of an ex-enemy state only "until such time as the Organization may,

on request of the governments concerned, be charged with the responsibility for preventing further aggression from such a state". Under Article 53, the bilateral security pacts are the sole exception to the general principle that "no enforcerent action shall be taken under regional arrangerents or by regional agencies without the authorization of the Security Council..."

However, the foregoing stipulation did not meet the regional enforcement action contemplated under the Act of Chapultepec. The United States and Latin American delegations at San Francisco were particularly concerned lest the exercise of the veto under the voting provisions of Article 27 nullify the concept of collective defense provided for in the Act of Chapultepec. Furthermore, the use of the veto by a European great power in blocking action by the Security Council and by the American states themselves, might impair and weaken the Monroe Doctrine. On the one hand, the United States delegation at San Francisco was confronted with pressure from the Latin American republics to keep the Act of Chapultepec outside the competence of the Security Council thereby safeguarding the Monroe Doctrine, but on the other hand, as one of the "Big Powers" she (United States) had no desire to weaken the universal responsibility of enforcement action by establishing a precedent for regional rivalries. The dilemma was met by the adoption of an amendment which became Article 51 of the Charter and appears at the end of Chapter VII. Article 51 states that ,

> "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security".

Article 51, with the other relevant provisions of the Charter, (Articles 33, 47, and 52-54) in recognizing the paramount authority of the world organization in enforcement action as well as the inherent right of self defense, individual or collective, until the Security Council undertakes such action, in the words of former Secretary of State Stettinius, "make possible a useful and effective integration of regional systems of cooperation with the world system of international security".[21] In a radio broadcast of October 31, 1945, entitled "Neighbor Nations in One World", former Secretary Byrnes further clarified the significance of the regional arrangements adopted at San Francisco to the Inter-American System when he said.

> "We have freely accepted the Charter of the United Nations, and we recognize the paramount authority of the world community...Regional arrangements, like the inter-American system, which respect the rights and interests of other States and fit into the world system, can become strong pillars in the structure of world peace. But we cannot recognize regional arrangements as a substitute for a world system..."

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21. Statement by Edward R. Stettinius, Jr., released to the press, May 15, 1945

In conclusion, it may be said that the Articles of the Charter of the United Nations which deal with regional arrangements insure the preservation of the Inter-American system as an integral and valuable element of a universal collective security system.

The Mexico City and San Fancisco Conferences dealt with the problem of integration primarily from the aspect of security. But the underlying bases of permanent world order are economic well-being and social welfare. This fundamental principle was recognized in the Dumbarton Oaks Proposals which set up, under the authority of the General Assembly, an Economic and Social Council to "facilitate solutions of international economic, social and other humanitarian problems and promote respect for human rights and fundamental freedoms."[22] The approach here was a functional internationalism operating through the media of specialized non-political agencies. The Pan American Union and its numerous agencies dealing with virtually all matters affecting the Americas is a good example of international cooperation of this type. However, just as it became increasing clear that the elaborate machinery through which the inter-American system functions needed coordination and integration by one central agency, the Pan American Union, it was recognized at Dumbarton Oaks that a central organ, the Economic and Social Council, should coordinate the policies and activities of the specialized organizations brought into

22. Dumbarton Oaks Proposals, Chapter IX, Section A

relationship with the world Organization.

From a Pan American viewpoint the question arises as to the desireability of the non-political integration contemplated under the Oaks Proposals and the Charter. The answer is simple for those who are willing to face certain self-evident facts. The world can no longer be divided into spheres of exclusive influence and special privilege. Furthermore, aside from the question of warfare, while the world has become more interdependent in terms of communication and economics, a development of greater differentiation has been going on within individual areas. This is particularly true of Latin America where countries such as Argentina, Brazil, Mexico and Chile are atterpting to diversify economies predominantly agricultural by establishing their own industries, thereby becoming more independent of the old industrial centers. An examination of strategic geography, trade statistics and culture patterns is conclusive proof that the Americas are not a compact, regional unit. Therefore, it is through world wide economic and cultural exchanges that Pan Americanism can progress and prosper.

Although as yet there has been no Pan American cooperation in technical matters under the United Nations comparable with the achieverents made in labor, social security and intellectual exchanges under the League, there has been interesting comment on the extent and nature of non-political integration.[23]

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23. W.R. Sharp, op.cit., pp 450-464

It has been suggested that wherever an activity is interlocked with economic, social or cultural issues of world significance, there should be integration of both policy and administration. There are certain inter-American agencies which deal with matters of a purely hemisphere nature such as the Inter-American Indian Institute, the Pan American Highway Confederation and the Inter-American Coffee Board. There would be no need to bring organizations concerned purely with inter-American matters into relationship with the world body.

However, certain relationships can be contemplated. To begin with there should be closer intercourse between the P.A.U. and the United Nations Secretariat. The Inter-American Economic and Social Council created at the Mexico City Conference was entrusted under Resolution IX, (point 7) of that Conference, with the maintenance of "liason with the corresponding organ of the general international organization when established and with existing or projected specialized international agencies in the economic and social field." By April 1946, this Council had set up various committees including one concerned with coordination and relations with other inter-American and international organizations.[24] The Inter-American Economic and Social Council, as the coordinating agency of all activities of this nature within the inter-American system, should establish a close working relationship with the Economic and Social Council of the United Nations. Articles 57, 63 and

24. Department of State Bulletin, April 1946, p. 216

70 of the Charter afford the basis for such integration.

Closer cooperation between inter-American and world agencies dealing with specific problems can also be foreseen. This would apply to the Pan American Sanitary Bureau and the World Health Organization. Under Resolution XLV, the Pan American Sanitary Bureau was designated as the general coordinating sanitary agency of the American Republics. The first International Health Conference held at Hunter College in the summer of 1946, dealt specifically with the relationship of the Pan American Sanitary Bureau to the World Health Organization and under Article 54 of its Constitution suggested "integration should be effected as soon as practicable through common action based on mutual consent of the competent authorities..." At this Conference, a controversy arose as to the status of the Pan American Sanitary Bureau. It was recommended that regional health agencies remain autonomous for the time being, gradually becoming regional offices under the World Health Organization.

Another regional activity of the universal agency which merits consideration is in the field of intellectual exchange. Article X of the Constitution of the United Nations Educational, Scientific and Cultural Organization provides for relations with other international agencies and organizations in this field. At present the corresponding inter-American body is the Division of Intellectual Cooperation of the P.A.U. However, the Governing Board is drawing up a project on the establishment of an Inter-American Cultural Council which will

be submitted to the American governments for consideration at the Bogotá Conference.[25]

The Governing Board's Committee on the Organization of the Inter-American System has made a special study of the problem involving the relations between specialized inter-American agencies and world organizations of the same nature. As a result of this study, certain basic principles have been formulated to govern such relations and the Governing Board recommends that they be incorporated in one of the projects to be submitted to the Bogotá Conference dealing with the organization of the inter-American system.[26] These principles are as follows:

a) Specialized inter-American agencies functioning within the System should cooperate closely with similar world bodies, coordinating and harmonizing their activities in order to achieve their common purposes.

b) Inter-American agencies entering into such agreements with universal bodies, shall remain an integral part of the inter-American system thereby not becoming dependent organs of the world organizations.

c) The Governing Board, as the agency responsible for "the effective functioning of the Inter-American System and the solidarity and general welfare of the American Republic", is to preserve unity in the integration of efforts and activities between the Pan American and world agencies.

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25. P.A.U. Bulletin, January 1947, p. 42
26. Ibid.,

The foregoing principles recognize the Governing Board of the P.A.U. as the central organ through which the specialized inter-American agencies may coordinate their activities with universal organizations of a similar character but, at the same time preserving these agencies as an integral part of the inter-American machinery. It is through this realistic approach that a functional internationalism may evolve toward the goal of world federalism.

Conclusion

The Mexico City Conference of 1945 was a diplomatic conference of "united and associated American states cooperating in the war effort". Confronted with the dynamic nature of peace and the inevitability of change in a postwar world, the Conference made historic and far-reaching innovations in the inter-American system. Two resolutions adopted by the conference were of outstanding significance. Both were a logical outcome of efforts made in recent years to strengthen the structural organization of the Americas and achieve a continental solidarity capable of maintaining the peace and security of the Western Hemisphere.

Resolution IX dealt with the problem of reorganization from a purely technical and inter-American aspect. The Resolution contained provisions which were given or were intended to be given immediate application and others to be considered at the Ninth Conference, scheduled for December of 1947 in Bogotá. Included in the latter category is a draft charter,

(Project of Organic Pact) drawn up by the Governing Board, for the improvement and strengthening of the inter-American system. Resolution IX, by setting a process in motion, will eventually affect the entire system of Pan American organization.

In Resolution VIII the American Republics provided for mutual guarantees of their territorial integrity, political independence and sovereignty. This Resolution, known as the Act of Chapultepec, filled in two important gaps in the political solidarity of the Americas which had been slowly crystallizing since the Buenos Aires Conference of 1936. Provision was made for specific sanctions, including the use of armed force, against an aggressor, and this was made applicable to all international attempts at aggression. Although a direct outgrowth of the failure of collective security and the outbreak of World War II, the Act of Chapultepec, in many respects, constitutes a return to Bolivarian concepts of Pan Americanism; a political association of nations, regional in essence but universal in outlook.

However, the Mexico City Conference was unable to define the specific relationship of Pan America vis-a-vis the general Organization outlined in the Dumbarton Oaks Proposals. The United Nations Conference at San Francisco, dealing primarily with the security aspect of peace, faced the problem of integrating regional arrangements with those of the universal organization and at the same time establishing the paramount authority of the latter. In this regard, Article 51 of the Charter applies with particular significance to the concept of

collective self-defense contemplated under the Act of Chapultepec and insures the complete preservation of the Inter-American system as an integral unit of the universal collective security system.

The integration of Pan America into the United Nations cannot be restricted to purely political matters. A consolidated and strengthened Pan American organization, through its central coordinating organ, the P.A.U., should cooperate closely with international agencies of a world-wide character in economic, social and cultural matters. A functional internationalism of this type can play an important role in creating the underlying conditions for permanent world order.

There are several difficulties which may hamper the effective and complete integration of the Inter-American System into the United Nations. Foremost have been the strained relations between the United States and Argentina which has resulted in the postponement on two different occasions of the proposed Rio Conference to convert the Act of Chapultepec into a permanent hemisphere defense treaty. In addition, this delay has a detrimental effect on the inter-American system as a whole since Conferences are an important media through which the system functions, and should be held at regular intervals.

Another possible obstacle in the way of close cooperation between Pan America and the United Nations Organization is found in relative power positions held by the United States and Latin America in these organizations. Paradoxically, the United States, today, having reversed its traditional Monrovian

hemisphere isolationism, is a "Great Power" in the Security Council and an "equal" in Pan America. On the other hand, the Latin American republics, have achieved juridical equality in the Pan American System and may prefer to entrust their destinies to the regional system than the undemocratic veto formula of the United Nations.

But no such friction need exist. Pan America, through a stronger and more effective system functioning as a regional arrangement within the larger international framework, can play a vital role in world affairs through a sincere application of the Good Neighbor policy. By practicing democratic principles in inter-American relations, the American republics may serve as a symbol of hope to peoples in other regions. This was the essence of a recent statement made by the "architect" of the Good Neighbor Policy, Sumner Welles, who said,

> "If the sovereign peoples of the New World maintain the regional system which they have gradually established, and help to make it serve in the achievement of the purposes set forth in the preamble to the Charter of the United Nations, their concerted effort may well determine the destinies of mankind. The inter-American system has been built up under the inspiration of the highest standards in international relations which any community of nations has yet evolved. But unless those vital standards are preserved intact, the Pan-American system will perish, and the example which the Americas can offer to the family of nations will prove to be of no lasting value."27

Based on the truest sentiments of Bolivarian idealism, the preservation of these standards can and must be Pan America's contribution to all peoples everywhere.

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27. New York Herald Tribune, March 10, 1947

BOSTON UNIVERSITY

GRADUATE SCHOOL

Abstract of a Thesis

THE INTER-AMERICAN SYSTEM: ITS REORGANIZATION AND INTEGRATION INTO THE UNITED NATIONS

by

Elliot A. Marcus
(A.B., College of the City of New York, 1944)
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Abstract of a Thesis

The Inter-American Conference on Problems of War and Peace held at Mexico City, (February 21 - March 8, 1945) confronted with the dynamics of peace and the inevitability of change in a postwar world, made important and far-sweeping innovations in the international organization of the Western Hemisphere, known as the inter-American system. One of the main purposes of the Conference was to improve and strengthen the organization of the system and consider its relationship with the world Organization outlined in the Dumbarton Oaks Proposals. This paper is concerned specifically with this problem; the reorganization of the inter-American system. There are two aspects to the problem; the reorganization of the inter-American system as such, and its integration into the United Nations. The former is concerned with the technical and structural problems of organization from a purely inter-American aspect. The latter aspect is concerned with the coordination of the system with the universal international organization.

Two resolutions adopted by the Mexico City Conference were of particular significance to the problem of reorganization. Both were recognized at Mexico City as essential for a strong Pan American postwar organization and were a logical outcome of efforts made at former inter-American assemblies to improve the structural organization

of the Americas and achieve a continental solidarity capable of maintaining the peace and security of the Western Hemisphere.

Resolution IX--Consolidation, Strengthening and Reorganization of the Inter-American System--dealt with the problem of reorganization from a purely technical and inter-American aspect. The Resolution contained provisions which were given or intended to be given immediate application and others to be considered at the Ninth International Conference of American States, scheduled for Bogotá in December, 1947. The former group includes provisions for organizational changes in the Governing Board and the possibility of assigning to that body political functions thereby marking a radical departure from the traditional development--under United States control--of political and non-political activities on two parallel but independent lines. In the latter category, several projects prepared by the Governing Board, the Inter-American Defense Board and the Inter-American Juridical Council are in the hands of the American governments for examination, and on the basis of comments received, final drafts will be prepared for submission to the Ninth Conference. The most important of these is the Project of Organic Pact which is intended to put the loose "Union of American Republics" on a statutory basis co-ordinating and integrating the activities of specialized inter-American agencies through the central authority of the

Governing Board of the Pan American Union. Resolution IX, by setting a process in motion, will eventually effect the entire system of Pan American organization.

Resolution VIII on Reciprocal Assistance and American Solidarity, known as the Act of Chapultepec, filled in two important gaps in the political solidarity of the Americas which had been slowly crystallizing since the Buenos Aires Conference of 1936. Provision was made for the use of specific sanctions, including armed force, against an aggressor and this was made applicable to all international attempts at aggression; from within or outside the hemisphere. Although a direct outgrowth of the failure of collective security, the collapse of the League of Nations and the outbreak of World War II, the Act of Chapultepec, in many respects, constitutes a return to Bolivarian concepts of Pan Americanism; a political association of nations, regional in essence but universal in outlook.

However, the foregoing Resolutions of the Mexico City Conference failed to define the specific relationship of Pan America vis-a-vis the world Organization outlined in the Dumbarton Oaks Proposals of 1944. The United Nations Conference at San Francisco, dealing primarily with the security aspect of peace, faced the problem of integrating regional arrangements with those of the universal organization and at the same time establishing the paramount authority of the latter. Several modifications of the

Dumbarton Oaks Proposals dealing with this problem were adopted at San Francisco. One of these, Article 51 of the Charter, applies with particular significance to the inter-American syster and the concept of collective self-defense contemplated under the Act of Chapultepec. This Article, with the other relevant provisions of the Charter, insures the complete preservation of the inter-American system as an integral and valuable element of the universal collective security system, making possible an effective integration of the former with the latter.

The integration of Pan America into the United Nations cannot be restricted to purely political matters. A consolidated and strengthened Pan American organization, functioning through its central coordinating organ, the Pan American Union, should cooperate closely with international agencies of a world-wide character in economic, social and cultural fields. A functional internationalism of this type can play an important role in creating the underlying conditions for permanent world order.

Several difficulties may hamper the effective and complete integration of Pan America into the United Nations. By far the most serious of these has been the rift in Argentine - United States relations which has resulted in the postponement on two different occassions of the proposed Rio Conference to convert the Act of Chapultepec into a permanent hemisphere defense pact. In addition, this delay

has a detrimental effect on the inter-American system as a whole since Conferences are an important media through which the system functions and should be held at regular intervals.

The position of the United States in the Security Council as a "Great Power" and in Pan America as an "equal" may have the effect of creating a division of allegiance among the American states toward the two bodies. This was in evidence at the San Francisco Conference when the Latin American countries attempted to keep regional arrangements outside the authority of the Security Council.

Pan America through a stronger and more effective system functioning as a regional arrangement within the larger international framework, can play a vital role in world affairs through a sincere application of the Good Neighbor policy. In the words of the "architect", of this policy, Sumner Welles,

> "If the sovereign peoples of the New World maintain the regional system which they have gradually established, and help to make it serve in the achievement of the purposes set forth in the preamble to the Charter of the United Nations, their concerted effort may well determine the destinies of mankind."

BIBLIOGRAPHY

A. Books and Periodicals

Alfaro, R., Commentary on Pan American Problems, Harvard University Press 1938

Babcock, C. E., Fifty Years of the Library of the P.A.U., 1890-1940, Washington 1940

Ball, M., The Problem of Inter-American Organization, Stanford 1944.

Borchard, E., "The Committee of Experts at the Lima Conference", American Journal of International Law, Vol. XXXIII (1939)

Brum, B., La Paz de América, Montevideo 1923.

Canyes, S., "The Inter-American System and the Conference of Chapultepec", American Journal of International Law, Vol. XXXIX (1945)

Corbett, P. E., "Canada and Pan Americanism", Inter-American Quarterly, Vol. I (1939)

Hambro, C. J., How To Win the Peace, Philadelphia, New York, J. B. Lippincott Company 1942

Haring, C. H., Argentina and the United States, Boston: World Peace Foundation 1941

Holmes, O. "The Mexico City Conference and Regional Security", Foreign Policy Reports, Vol. XXI (May, 1945)

Humphrey, J. P., The Inter-American System: A Canadian View, Toronto 1942.

International Conciliation, "The Americas and World Order", Carnegie Endowment, March, 1946.

International Conferences of American States, First Supplement, 1933-1940, Washington: Carnegie Endowment 1940.

Kelchner, W. H., Latin American Relations with the League of Nations, Boston: World Peace Foundation, 1930

Kunz, J. L., "The Inter-American Conference on Problems of War and Peace at Mexico City and the Problem of the Reorganization of the Inter-American System", American Journal of International Law, Vol. XXXIX (July, 1945)

----------, "The Inter-American System and the United Nations Organization", American Journal of International Law, Vol. XXXIX (October, 1945)

Lockey, J. B., Pan Americanism: Its Beginnings, New York 1920.

Martin, P. A., Latin America and the War, Baltimore 1925

Masters, R. and others, Handbook of International Organizations in the Americas, Washington: Carnegie Endowment 1945

Padilla, E., "The American System and the World Organization", Foreign Affairs, Vol. XXIV (October, 1945)

P.A.U. Bulletin, May 1946, January and March 1947

Bibliography - Continued

Rippy, F., Latin America in World Politics, New York: A. A. Kroff 1928

Sandifer, D. V., "Regional Aspects of the Durbarton Oaks Proposals", Department of State Bulletin, Vol. XII (January, 1945)

---------- "The Inter-American System and Mexico City", Department of State Bulletin, Vol. XII (April, 1945)

Sharp, W. R., "The Inter-American System and the United Nations", Foreign Affairs, Vol. XXIV (April, 1945)

Trotter, R. G., "More on Canada and Pan Americanism", Inter-American Quarterly, Vol. II (1940)

Welles, Sumner, Where Are We Heading?, New York and London 1946.

Whitaker, A. P., Inter-American Affairs, New York (annually)

B. Documents and Reports

"Charter of the United Nations", Hearings...Committee on Foreign Relations United States Senate, United States Government Printing Office: Washington 1945

Commission To Study the Organization of Peace. Preliminary Reports and Monographs, April 1941.

Congreso Pan Americano del de Bolívar, Panama 1927.

Durbarton Oaks Proposals, Chapter VIII Section C, Regional Arrangements, Par. 1-3

----------, Chapter IX Section A

Pan American Union, Annual Reports

----------, Executive Committee on Postwar Problems of the Governing Board
"The Basic Principles of the Inter-American System", Washington 1943 (for resolutions cited in Chapter I).
"Pan American Postwar Organization", Washington 1944

----------, Final Act of the Mexico City Conference, Washington 1945

----------, Improvement of Peace Instruments, Vol. II

----------, Inter-American Conference for the Maintenance of Continental Peace and Security, Rio de Janeiro, Washington 1946

----------, Inter-American Conference on Problems of War and Peace, Handbook for the use of Delegates, Washington 1945

----------, Juridical Division, Status of the Pan American Treaties and Conventions, Washington 1943.

----------, Project of Organic Pact of the Inter-American System, Washington 1946.

----------, Report of the Delegates of the United States to the Fifth International Conference of

Bibliography - Continued

----------, American States, Washington, 1924
----------, Report of the Division of Intellectual Cooperation...for 1941.
----------, "Project of Agreement On The Creation of the Association of American Nations", (Colombian-Dominican project) Octava Conferencia Internacional Americana, (Diario de sesiones) Lima. 1939.

C. Newspapers

Christian Science Monitor, November 9, 1944
January 4, 14, 21, 1947
New York Herald Tribune, January 12, 1947
March 10, 1947
New York Times, December 2, 1936
February 25, 1945
May 9-21, 1945
June 27, 1945
January 12, 1947